



COMPLIANCE REPORT

Oregon's Statewide Planning Goals and Guidelines

Metro Urban Growth Functional Plan

Ordinance No. 02-969B Exhibit M Conditions on Addition of Land to UGB

February 19, 2014

For more information contact: Damascus Community Development Department at (503) 658-8545 City of Damascus 19920 SE Highway 212 Damascus, OR 97089

Adopted _____ – Ordinance No. 2014-53-----

Organization of this Compliance Report

This report describes how the Comprehensive Plan (Goals & Policies document, Comprehensive Plan Map, supporting documents) and Zoning Ordinance (Development Code and Zoning Map) proposed by Mayor Spinnett, entitled, “*The Plan That Respects the People*” complies with or does not comply with the State of Oregon Statewide Planning Goals and the requirements of the Metro Urban Growth Management Functional Plan. The Comprehensive Plan and Comprehensive Plan Map are referred to individually as the Plan and Map and collectively as the Comprehensive Plan. The Zoning Ordinance’s individual documents are referred to individually as the Development Code and Zoning Map.

The Statewide Planning Goals are organized by planning “goal,” each of which addresses an aspect of the state’s policy on land use and related topics, such as housing, natural resources, and economic development. The goal language can be found in this typeface. This Compliance Report is organized by Statewide Planning Goal with the city’s findings presented after each goal.

The Metro Urban Growth Management Functional Plan is organized by “titles,” each of which address a different requirement for land use planning within the Metro UGB. This Compliance Report is organized by Metro Title with the city’s findings presented after each title. They can be found in this typeface.

The findings summarize the main points about Damascus’ Comprehensive Planning process and compliance. They can be found in bold print.

Comprehensive Plan Goals and Policies are the goals and policies in the comprehensive plan that address each Statewide Planning Goal. They can be found in italic.

Appendices are the documents bound with the Comprehensive Plan that give further information or provide the framework for policies for each goal.

The following Appendices inform the findings herein:

Natural Features Inventory (Natural Resources & Natural Hazards), Buildable Lands Inventory, Housing Needs Analysis, Economic Opportunities Analysis, , Transportation Systems Plan, and Total Maximum Daily Load Implementation Plan and Damascus Integrated Water Capital Plans.

Executive Summary

In December 2002 Metro expanded the Urban Growth Boundary (UGB), including over 12,000 acres in the Damascus/Boring area east of Happy Valley and south of Gresham. The next step was for local governments to create plans to guide transition of this area from rural to urban uses. Clackamas County, the Cities of Happy Valley and Gresham, and Metro began the Damascus/Boring Concept Plan. While concept planning was underway, area voters and property owners determined how they would be governed in the future and in November 2004, voters approved formation of the new City of Damascus.

Being a new city, Damascus has the opportunity and challenge to create a new model for city planning. The community and elected leaders took on that challenge and created a vision, mission statement and core values that embody sustainability in all elements of the city's future. The community's citizens envision a future that creates a Damascus that is a great place to live, work, play, shop and learn. All departments within the City are working toward the Mission of the City to provide wise and effective stewardship of the citizen's trust and resources in creating an extraordinary city.

This Compliance Report describes how the City of Damascus fulfills the requirements of the State's Land Use Planning Goals. Most of the goals in the Plan are accompanied by "policies and implementation strategies", which are suggestions about how a goal may be applied. Policies and implementation strategies are not mandatory, but the goals, adopted as administrative rules, are (Oregon Administrative Rules Chapter 660, Division 015).

The Plan That Respects the People will guide the community's public involvement, land use, housing, conservation of natural resources, economic development, transportation and public facilities. The document is comprised of the body of data and background inventories or factual base, which describes the community's resources and features and the policy element which sets forth the community's long-range objectives and implementation measures.

Successful implementation of the Comprehensive Plan can only happen with strong comprehensive plan policies, a zoning map and ordinances, capital improvement plans for transportation and other services and public/private partnerships. Once these are in place, individual property owners decide when and how to develop their land, consistent with city zoning, availability of services and the market. The City's Comprehensive Plan is intended to guide development for years to come and, when complete, is intended to support and be consistent the Statewide Planning Goals and the community's Core Values.

Growing Damascus will be a challenge as the City lacks basic infrastructure that other established cities already have. Cooperation from the state, regional, and local partners will help Damascus achieve its goals as well as state and regional growth management policies.

To guide development and manage growth and over time, planning activities, inventories and studies have shaped the Plan. Below is a list of the planning activities from the City's incorporation to date.

| Year | Planning Activity |
|-------------|--|
| 2004 | Core Values drafted |
| 2006 | Coffee Klatches and Summer Socials public outreach on refinement of Core Values |
| 2006 | Adoption of "Guidance for a New City" document |
| 2007 | Goal 1 Acknowledgement --LCDC |
| 2007 | Community Coordination Committee begins work |
| 2007 | Natural Features Topic Specific Team begins work |
| 2007 | Natural Features Inventory (Natural Resources and Hazards Report) |
| 2007 | City of Damascus Community Atlas completed |
| 2008 | Damascus Housing Needs Analysis |
| 2008 | Damascus Economic Opportunities Analysis |
| 2008 | Damascus Comprehensive Plan Suitability Analysis |
| 2008 | Subarea Planning Workshops |
| 2008 | Damascus Subareas Report |
| 2008 | Damascus Scenic Survey and Report |
| 2008 | Damascus Comprehensive Plan Community Design Workshop |
| 2008 | Development Code Topic Specific Team begins work |
| 2009 | Natural Features Topic Specific Team completes ESEE |
| 2009 | Transportation Topic Specific Team begins work |
| 2009 | Transportation Systems Plan Community Workshop |
| 2009 | Damascus Public Facilities Plan |
| 2009 | Damascus Natural Hazards Mitigation Plan |
| 2010 | Coffee Klatches seeking input on Comprehensive Plan maps, |
| 2010 | Public Hearings for adoption of the Comprehensive Plan |
| 2010 | Council adopts Comprehensive Plan and Map |
| 2011 | Submission of Adopted Comprehensive Plan to DLCD and Metro |
| 2011 | Vote to repeal Comprehensive Plan adopting ordinance |
| 2011 | Start of new Comprehensive Plan process |
| 2012 | Integrated Water Resource Management Plan |
| 2012-13 | Town Halls for outreach and seeking input (15 meetings) |
| 2012-13 | Monthly meetings with DLCD |
| 2012 | Re-examination of natural features through ground-truthing and correction of map |

| | |
|------|--|
| 2013 | Revised ESEE |
| 2013 | Revise Economic Opportunities Analysis |
| 2013 | Revised Housing Needs Analysis |
| 2013 | Damascus Buildable Lands Inventory |
| 2013 | Damascus Transportation Systems Plan |
| 2013 | Damascus Development Code and Zoning Map draft completed by DCTST |
| 2013 | Damascus Integrated Water Capital Plan |
| 2013 | Public hearings to adopt the Comprehensive Plan and Map and Zoning Ordinance |
| 2013 | City Council did not adopt the Comprehensive Plan, Map, and Zoning Ordinance |
| 2013 | City Council initiated two working groups led by Mayor Spinnett and Council President Jackman to develop two plans to be referred to the May Election Ballot |
| 2014 | Public hearings to refer the two comprehensive plans to the May Election Ballot |

Oregon's Statewide Planning Goals & Guidelines

GOAL 1: CITIZEN INVOLVEMENT OAR 660-015-0000(1)

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.

The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.

Federal, state and regional agencies and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities. The citizen involvement program shall incorporate the following components:

1. Citizen Involvement -To provide for widespread citizen involvement

The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement shall include an officially recognized committee for citizen involvement (CCI) broadly representative of geographic areas and interests related to land use and land use decisions. Committee members shall be selected by an open, well publicized public process.

The committee for citizen involvement shall be responsible for assisting the governing body with the development of a program that promotes and enhances citizen involvement in land-use planning, assisting in the implementation of the citizen involvement program, and evaluating the process being used for citizen involvement.

If the governing body wishes to assume the responsibility for, development as well as adoption and implementation of the citizen involvement program or to assign such responsibilities to a planning commission, a letter shall be submitted to the Land Conservation and Development Commission for the state Citizen Involvement Advisory Committee's review and recommendation stating the rationale for selecting this option, as well as indicating the mechanism to be used for an evaluation of the citizen involvement program. If the planning commission is to be used in lieu of an independent CCI, its members shall be selected by an open, well-publicized public process.

2. Communication - To assure effective two-way communication with citizens

Mechanisms shall be established which provide for effective communication between citizens and elected and appointed officials.

3. Citizen Influence - To provide the opportunity for citizens to be involved in all phases of the planning process

Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.

4. Technical Information --To assure that technical information is available in an understandable form

Information necessary to reach policy decisions shall be available in a simplified, understandable form. Assistance shall be provided to interpret and effectively use technical information. A copy of all technical information shall be available at a local public library or other location open to the public.

5. Feedback Mechanisms – To assure that citizens will receive a response from policy-makers.

Recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers. The rationale used to reach land-use policy decisions shall be available in the form of a written record.

6. Financial Support --To insure funding for the citizen involvement program.

Adequate human, financial, and informational resources shall be allocated for the citizen involvement program. These allocations shall be an integral component of the planning budget. The governing body shall be responsible for obtaining and providing these resources.

GUIDELINES

A. CITIZEN INVOLVEMENT

1. A program for stimulating citizen involvement should be developed using a range of available media (including television, radio, newspapers, mailings and meetings).
2. Universities, colleges, community colleges, secondary and primary educational institutions and other agencies and institutions with interests in land-use planning should provide information on land-use education to citizens, as well as develop and offer courses in land-use education which provide for a diversity of educational backgrounds in land-use planning.

3. In the selection of members for the committee for citizen involvement, the following selection process should be observed: citizens should receive notice they can understand of the opportunity to serve on the CCI; committee appointees should receive official notification of their selection; and committee appointments should be well publicized.

B. COMMUNICATION

Newsletters, mailings, posters, mail-back questionnaires, and other available media should be used in the citizen involvement program.

C. CITIZEN INFLUENCE

Data Collection -The general public through the local citizen involvement programs should have the opportunity to be involved in inventorying, recording, mapping, describing, analyzing and evaluating the elements necessary for the development of the plans.

1. Plan Preparation – The general public, through the local citizen involvement programs, should have the opportunity to participate in developing a body of sound information to identify public goals, develop policy guidelines, and evaluate alternative land conservation and development plans for the preparation of the comprehensive land-use plans.
2. Adoption Process – The general public, through the local citizen involvement programs, should have the opportunity to review and recommend changes to the proposed comprehensive land-use plans prior to the public hearing process to adopt comprehensive land-use plans.
3. Implementation -The general public, through the local citizen involvement programs, should have the opportunity to participate in the development, adoption, and application of legislation that is needed to carry out a comprehensive land-use plan. The general public, through the local citizen involvement programs, should have the opportunity to review each proposal and application for a land conservation and development action prior to the formal consideration of such proposal and application.
4. Evaluation -The general public, through the local citizen involvement programs, should have the opportunity to be involved in the evaluation of the comprehensive land use plans.
5. Revision -The general public, through the local citizen involvement programs, should have the opportunity to review and make recommendations on proposed changes in comprehensive land-use plans prior to the public hearing process to formally consider the proposed changes.

D. TECHNICAL INFORMATION

1. Agencies that either evaluate or implement public projects or programs (such as, but not limited to, road, sewer, and water construction, transportation, subdivision studies, and one changes) should provide assistance to the citizen involvement program. The roles, responsibilities and timeline in the planning process of these agencies should be clearly defined and publicized.

2. Technical information should include, but not be limited to, energy, natural environment, political, legal, economic and social data, and places of cultural significance, as well as those maps and photos necessary for effective planning.

E. FEEDBACK MECHANISM

1. At the onset of the citizen involvement program, the governing body should clearly state the mechanism through which the citizens will receive a response from the policy-makers.
2. A process for quantifying and synthesizing citizens' attitudes should be developed and reported to the general public.

F. FINANCIAL SUPPORT

The level of funding and human resources allocated to the citizen involvement program should be sufficient to make citizen involvement an integral part of the planning process.

FINDINGS:

The Land Conservation and Development Commission acknowledged the City's Goal 1 program on August 14, 2007, per DLCD Order 07-ACK-001729.

The Damascus City Council adopted Ordinance No.2007-15 on February 20, 2007. The City of Damascus has a Citizen Involvement Program that embodies guidelines for how to engage its citizens in the land use planning process. These guidelines outline opportunities for Damascus residents, property owners, business owners, interest groups, agency, and jurisdictional partners to engage in the development of the City's Comprehensive Plan as well as concurrent and subsequent planning activities. Along with the Planning Commission and the Topic Specific Teams, the Committee for Citizen Involvement (CCI) is responsible for informing the citizens of the current land use-related happenings in the City as well as providing feedback to the City Council based on the citizen response and input received by the CCI. Citizens of Damascus are presented with various ways in which to be included in, and influence the land use planning process.

The Committee for Citizen Involvement was established on March 3, 2008 by resolution 08-179. The City has records of all meetings and activities of the CCI since its establishment. The members of the committee represent a broad range of geographic areas and interests within the City. The CCI is amply funded with dedicated funds in the City budget. Appointments to the CCI, as well as the meeting times and agendas are publicized in the community in the same manner as City Council meetings and appointments to vacant positions on other citizen boards and commissions.

The Citizen Involvement Program outlines responsibilities of the CCI in assisting the City Council in promoting and enhancing citizen involvement in the land-use process. The CCI has been instrumental in the development of the Comprehensive Plan by hosting 13 town hall meetings to educate and obtain feedback from the citizens on the plan and implanting ordinances and reviewing publications to ensure they are readable to the public. The CCI's efforts provided the foundation for the July 2013 Comprehensive Plan document that was not adopted by Council but which the *Plan That Respects the People* used as a basis for changes. Mayor Spinnett's working group met in December 2013, and January 2014 to review and make edits to the July 2013 Comprehensive Plan. Each work group meeting was open to the public and the Mayor hosted a public presentation of the group's final draft on January 22, 2014.

Accordingly, this Comprehensive Plan complies with Statewide Planning Goal 1, *Public Involvement*.

The City has adopted the following goals and policies which provide the policy direction for establishment of the citizen involvement program:

Goal 1: Citizen Involvement

The Plan That Respects the People, Chapter 1, Section 1

Goal: "Damascus is to provide the opportunities and encouragement for people to be actively engaged in civic affairs in the community."

Policy 1: Ensure information is available to citizens about: policies, land use decisions, meetings, City-sponsored events and volunteer opportunities through a variety of methods and make information easy to understand.

Implementation Strategies:

- *Post the schedules of meetings, opportunities for participation, and meeting summaries and minutes of the Planning Commission and City Council on the City web site and at City Hall. Pertinent information regarding these meetings will also be included in the Damascus City News.*
- *Provide copies of agendas, staff reports, and other pertinent materials on the City web site and at City Hall for public review.*
- *Distribute public information to the media or others upon request (public notices in local newspapers).*
- *Make technical studies and other information used in the decision-making process available for public review. Describe how input will be used and provide a summary of information received.*
- *Maintain an information center at City Hall and provide staff to answer questions.*

Policy 2: Encourage a variety of methods of engaging the public about policy and planning activities and seek assistance and advice of citizens affected by, or with an interest in, proposed policies and planning issues.

Implementation Strategy:

- *The City will utilize the following public outreach tools as appropriate: e-mail, mailers, meeting notifications through local medial sources and City web site, phone calls, surveys, focus groups, and hosting meetings at the neighborhood and other City wide levels as appropriate.*

Policy 3: Establish a committee to gather community input and feedback when appropriate.

Implementation Strategy: When establishing committees, the City shall:

- *Clearly define the task or role of the committee or group, including the authority of the committee to provide the City with recommendations independent from the City staff.*
- *Assure that City staff provides adequate support within agreed staffing and budget priorities.*
- *Require a summary of committee meetings to be prepared and drafts of recommendations distributed and posted to the web site prior to subsequent meetings.*
- *Assure the involvement of appropriate agencies and other key stakeholders when warranted.*
- *Consider geographic representation, diversity of members, and range of interest and opinions. Provide information to participants of committees to ensure that there is a common understanding about the following:*
 - ◆ *How recommendations are developed.*
 - ◆ *Opportunities to present minority and individual opinions.*
 - ◆ *Time commitments necessary to attend meetings and related activities.*

Policy 4: Provide participants in land use hearings with a copy of the final decision and findings of fact.

Implementation Strategy:

- *Notices will be made by USPS mail. Notice will direct citizens to the City web site where the decision, background information, staff reports, rationale for decisions, and information on appeal procedures can be found.”*

Appendices:

Goal 1 Citizen Involvement Program

Goal 2: Land Use Planning Oregon Administrative Rules 660-015-0000(2)

PART I – PLANNING To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

City, county, state, federal agency, and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities, counties, and regional plans adopted under ORS Chapter 197. All land use plans shall include identification of issues and problems, inventories, and other factual information for each applicable statewide planning goal; evaluation of alternative courses of action; and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents. The plans, supporting documents, and implementation ordinances shall be filed in a public office or other place easily accessible to the public. The plans shall be the basis for specific implementation measures.

These measures shall be consistent with, and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governmental units. All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accordance with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review, and revision of plans and implementation ordinances.

FINDINGS:

The City has established a land use policy framework, embodied in the Comprehensive Plan and Comprehensive Plan Map. Factual bases and support for the Comprehensive Plan and Map are provided by the following supporting plans, maps and studies, accessible to the public:

Buildable Lands Inventory, Housing Needs Analysis, Economic Opportunities Analysis, (Natural Features Inventory (Natural Resources and Hazards Plan) Integrated Water Resources Management Plan, Public Facilities Plan, Transportation Systems Plan, and Damascus Integrated Water Capital Plans.

These studies are adopted by reference within the Comprehensive Plan and support the basis for policy direction for land use planning in the City. They were developed in coordination with affected government units. The Comprehensive Plan, Map and supporting documents provide the framework for the Development Code [Title 17 of the Damascus Municipal Code (DMC)] and Zoning Map which are the implementing ordinances for the Plan. The land use decisions in the City of Damascus will be made in accordance with the Comprehensive Plan, Map, Development Code, and Zoning Map. The Comprehensive Plan, Map, Development Code, Zoning Map and supporting plans are available for the public to view at Damascus City Hall and on the City's website. The Damascus Planning Commission and City Council held public hearings on the adoption of the Comprehensive Plan (and its supporting documents) and the Development Code (implementing ordinance) in June 2013. Ultimately, the Plan was not adopted by City Council.

In October, 2013 the Damascus City Council agreed to the formation of two Comprehensive Plan Working Groups -- one led by Mayor Spinnett and one led by Council President Jackman. The two working groups would present Plans and associated documents and the Council would hold public hearings to consideration and refer both Plans (after any amendments) to Damascus voters to satisfy the Core Values of the community and fulfill LCDC/Metro requirements. Both working groups used the July, 2013 draft Comprehensive Plan and associated documents as the base to which to work from.

Mayor Spinnett's work group held public meetings, at which the group refined the the June, 2013 Plan and produced the *Plan That Respects the People*. Mayor Spinnett held work group meetings that were open to the public on December 5, 2013, January 13, 2014 and held an Open House on January 22, 2014. The City Council held a public hearing on the resulting plan on February 19, 2014 and the Plan was referred to the May 2014 ballot by Ordinance 2014-53.

GUIDELINES

A. PREPARATION OF PLANS AND IMPLEMENTATION MEASURES

Preparation of plans and implementation measures should be based on a series of broad phases, proceeding from the very general identification of problems and issues to the specific provisions for dealing with these issues and for inter-relating the various elements of the plan. During each phase opportunities should be provided for review and comment by citizens and affected governmental units.

The various implementation measures which will be used to carry out the plan should be considered during each of the planning phases.

The number of phases needed will vary with the complexity and size of the area, number of people involved, other governmental units to be consulted, and availability of the necessary

information.

Sufficient time should be allotted for:

- (a) Collection of the necessary factual information
- (b) Gradual refinement of the problems and issues and the alternative solutions and strategies for development
- (c) Incorporation of citizen needs and desires and development of broad citizen support
- (d) Identification and resolution of possible conflicts with plans of affected governmental units.

FINDINGS:

The public engagement in the City's development of the Comprehensive Plan began with city visioning events in 2006. The chronology of planning activities on page four of this document provides a summary of the various phases of the plan's development. The work on the foundation of this Comprehensive Plan and development code began in 2011, but is built off of prior work and public engagement, then modified by Mayor Spinnett's working group. The process allowed for ample time for the collection of factual information, community engagement and feedback, and refinement of the plan and implementing ordinance based off citizen input.

The City has coordinated its base plan with governmental units affected by the adoption of the Comprehensive Plan, including, but not limited to the Department of Land Conservation and Development (DLCD), Metro, Oregon Department of Transportation, Boring Fire District, Clackamas County, Water Environment Services, Sunrise Water District, and school districts serving Damascus. Therefore, the City has and will continue to provide opportunities for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementing ordinances, as is consistent with this Goal.

B. REGIONAL, STATE AND FEDERAL PLAN CONFORMANCE

It is expected that regional, state and federal agency plans will conform to the comprehensive plans of cities and counties. Cities and counties are expected to take into account the regional, state and national needs. Regional, state and federal agencies are expected to make their needs known during the preparation and revision of city and county comprehensive plans. During the preparation of their plans, federal, state and regional agencies are expected to create opportunities for review and comment by cities and counties. In the event existing plans are in conflict or an agreement cannot be reached during the plan preparation process, then the

Land Conservation and Development Commission expects the affected government units to take steps to resolve the issues. If an agreement cannot be reached, the appeals procedures in ORS Chapter 197 may be used.

FINDINGS:

All elements of the Comprehensive Plan and Map are consistent with applicable State and Metro regulations. Findings for applicable regulations are included in this document. The City has been in contact with DLCD and Metro staff throughout the preparation process to ensure the plan and implementing ordinances meet State and Metro requirements.

C. PLAN CONTENT

1. Factual Basis for the Plan

Inventories and other forms of data are needed as the basis for the policies and other decisions set forth in the plan. This factual base should include data on the following as they relate to the goals and other provisions of the plan:

- (a) Natural resources, their capabilities and limitations
- (b) Man-made structures and utilities, their location and condition
- (c) Population and economic characteristics of the area
- (d) Roles and responsibilities of governmental units.

FINDINGS:

Factual bases and support for the Comprehensive Plan and Map are provided by the following supporting plans, maps, and studies, accessible to the public:

Buildable Lands Inventory, Housing Needs Analysis, Economic Opportunities Analysis, Natural Features Inventory (Natural Resources and Hazards Plans) Integrated Water Resources Management Plan, Public Facilities Plan, Transportation Systems Plan, and Damascus Integrated Water Capital Plans.

2. Elements of the Plan

The following elements should be included in the plan:

- (a) Applicable statewide planning goals
- (b) Any critical geographic area designated by the Legislature
- (c) Elements that address any special needs or desires of the people in the area
- (d) Time periods of the plan, reflecting the anticipated situation at appropriate future intervals. All of the elements should fit together and relate to one another to form a consistent whole at all times.

FINDINGS:

The Comprehensive Plan contains all applicable statewide planning goals, elements that address special needs and desires of the people in the area, and time periods of the plan.

The Comprehensive Plan contains the elements that address the special needs and desires of the community. The Damascus Core Values, which were adopted after incorporation of the city in 2005 and updated in 2011 contain the guiding principles in which the Comprehensive Plan is built upon

The time period for the plan is anticipated within a 20-year planning horizon, along with an anticipated build-out of the community beyond the 20-year planning horizon. The two different timeframes anticipate a slower than predicted population growth than was forecasted at the time Metro expanded the Urban Growth Boundary in 2002 and the incorporation of the city in 2004. These numbers and forecasted population growth is outlined in the findings below for Goals 9 and 10: Economic Development and Housing. The plan anticipates a gradual transition from the existing rural form of the city to an urban form.. The plan contemplates the mechanics for this transition, which includes concurrent provision of urban services, limitation on infill, and phasing of development based on infrastructure availability and financing.

The plan envisions a series of villages and neighborhood commercial zones throughout the city, along with a center which would provide the bulk of higher density housing, jobs, and commercial needs. The unique topographic areas, including the buttes, riparian corridors, wetlands and view corridors would be integrated and transitioned from the higher density urban development in the centers and villages to lower densities in the outlying neighborhoods. Density transfers will be permitted per DMC Chapter 17.413.

The neighborhoods that surround the villages and centers would be “complete communities,” There are commercial areas appropriately sized for small scale neighborhood services. The neighborhood areas will have a network of local streets, neighborhood parks, and public institution uses (schools, library, etc).

D. FILING OF PLANS

City and county plans should be filed, but not recorded, in the Office of the County Recorder. Copies of all plans should be available to the public and to affected governmental units.

FINDINGS:

The Comprehensive Plan and Map, Development Code, Zoning Map and supporting plans are available for the public to view at Damascus City Hall and on the City's website. Once adopted, the documents will be filed with the Office of the County Recorder.

E. MAJOR REVISIONS AND MINOR CHANGES IN THE PLAN AND IMPLEMENTATION MEASURES

The citizens in the area and any affected governmental unit should be given an opportunity to review and comment prior to any changes in the plan and implementation ordinances. There should be at least 30-days' notice of the public hearing on the proposed change.

1. Major Revisions

Major revisions include land use changes that have widespread and significant impact beyond the immediate area, such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships.

The plan and implementation measures should be revised when public needs and desires change and when development occurs at a different rate than contemplated by the plan.

Areas experiencing rapid growth and development should provide for a frequent review so needed revisions can be made to keep the plan up to date; however, major revisions should not be made more frequently than every two years, if at all possible.

2. Minor Changes

Minor changes—i.e., those which do not have significant effect beyond the immediate area of the change—should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should not be made more frequently than once a year, if at all possible.

FINDINGS:

The citizens in the City of Damascus were mailed a public hearing notice on or before January 21, 2014 for the adoption of the Comprehensive Plan and Map and Development Code and Zoning Map. The Comprehensive Plan and Map and Development Code and Zoning Map were adopted by the City Council after a public hearings and extensive oral and written testimony from the citizens of

Damascus. A schedule for periodic review is established in the Comprehensive Plan in Chapter 5, Managing Our Plan.

F. IMPLEMENTATION MEASURES

The following types of measure should be considered for carrying out plans:

1. Management Implementation Measures

- (a) Ordinances controlling the use and construction on the land, such as building codes, sign ordinances, subdivision and zoning ordinances. ORS Chapter 197 requires that the provisions of the zoning and subdivision ordinances conform to the comprehensive plan.
- (b) Plans for public facilities that are more specific than those included in the comprehensive plan. They show the size, location, and capacity serving each property but are not as detailed as construction drawings.
- (c) Capital improvement budgets which set out the projects to be constructed during the budget period.
- (d) State and federal regulations affecting land use.
- (e) Annexations, consolidations, mergers and other reorganization measures.

2. Site and Area Specific implementation Measures

- (a) Building permits, septic tank permits, driveway permits, etc; the review of subdivisions and land partitioning applications; the changing of zones and granting of conditional uses, etc.
- (b) The construction of public facilities (schools, roads, water lines, etc.).
- (c) The provision of land-related public services such as fire and police.
- (d) The awarding of state and federal grants to local governments to provide these facilities and services.
- (e) Leasing of public lands.

FINDINGS:

The city's implementation measures are contained in the Development Code and Zoning Map. The Development Code contains the ordinances controlling the use and construction of property in Damascus, including the subdivision and zoning ordinances. The subdivision and zoning ordinances were developed from the Comprehensive Plan goals and policies, map, and supporting documents. The

State a Federal regulations that affect land use applicable to Damascus are addressed in the comprehensive plan and development code.

The supporting documents to the Comprehensive Plan include the Damascus Transportation System Plan and Integrated Water Capital Plans. These plans provide for the planning of public facilities within the 20 year planning period, contain cost estimates for the systems, and include lists of capital projects. More detailed plans that address the serving of each property will be developed as specific areas of the city propose development.

G. USE OF GUIDELINES FOR THE STATEWIDE PLANNING GOALS

Guidelines for most statewide planning goals are found in two sections-planning and implementation. Planning guidelines relate primarily to the process of developing plans that incorporate the provisions of the goals. Implementation guidelines should relate primarily to the process of carrying out the goals once they have been incorporated into the plans. Techniques to carry out the goals and plans should be considered during the preparation of the plan.

FINDINGS:

The City of Damascus utilized the framework from the guidelines to develop the Comprehensive Plan, Map, Development Code, and Zoning Map, by addressing guidelines for each goal. Each chapter of the Comprehensive Plan addresses the purpose of each goal and provides background references to studies and states goals and policies for land use planning for the city. In addition, the plan cites which city document contains the implementation measures, such as the development code, municipal code, capital plans, etc.

Mayor Spinnett's working group has adopted the following goals and policies which provide the policy direction for land use:

Comprehensive Plan Goals and Policies for Goal 2: Land Use

Chapter 2, Section 4 of the Plan That Respects the People Comprehensive Land Use Plan addresses land use and community design.

Policy 1: Require the Comprehensive Plan Map to allow for a range of land use designations (housing, jobs) to support a variety of uses for development of a full service community.

Implementation Strategy:

- *Allow for neighborhood zoning flexibility that provides for services that are within walkable distances.*
-

Policy 2: Encourage development in Damascus to provide community gathering places, well-

designed buildings and transportation options.

Implementation Strategy:

- *Provide City resources for a permanent farmers' market in the City.*

Policy 3: Create a variety of techniques to help new development be compatible with existing surrounding developments.

Policy 4: Strive to reflect the area's pioneer history and rural character through design of the community

Policy 5: Protect or moderate the effects of destruction or inappropriate development of identified historic and archaeological resources on public property. Provide incentives to owners of private property or moderate the effects of development of identified Historic and Archeological Resources.

Implementation Strategy:

- *Include design criteria in the Development Code to ensure compatibility with the identified historic and architectural character of the community.*

Policy 6: Require new development to comply with Federal, State and local noise regulations. on a regular basis.

Policy 7: Encourage a variety of energy efficient strategies throughout the community.

Implementation Strategy:

- *The City will support principles of energy conservation through outreach and education programs.*
- *The City will incorporate eco-friendly (green) building principles into public buildings and facilities.*
- *The City shall encourage energy efficient developments with a range of incentives, such as fee credits and/or fast track approvals, etc*
- *The City shall adopt energy efficient street lighting standards.*
- *The City shall encourage the development of compatible alternative energy sources.*
- *The City will support new technologies that are energy efficient.*

Appendices:

The following City documents guide and implement policies regarding Land Use Planning the community:

Development Code (DMC Title 17) and Zoning Map, Damascus Core Values, Natural Features Inventory (Natural Resources & Natural Hazards Buildable Lands Inventory, Housing Needs Analysis, Economic Opportunities Analysis, Integrated Water Resources Management Plan, Public Facilities Plan, Transportation Systems Plan, Damascus Integrated Water Capital Plan

Goal 5: Natural Resources Scenic, and Historic Areas, and Open Spaces Oregon

“To protect natural resources and conserve scenic and historic areas and open spaces”.

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

The following resources shall be inventoried:

- a. Riparian corridors, including water and riparian areas and fish habitat;
- b. Wetlands;
- c. Wildlife Habitat;
- d. Federal Wild and Scenic Rivers;
- e. State Scenic Waterways;
- f. Groundwater Resources;
- g. Approved Oregon Recreation Trails;
- h. Natural Areas;

- i. Wilderness Areas;
- j. Mineral and Aggregate Resources;
- k. Energy sources;
- l. Cultural areas.

Local governments and state agencies are encouraged to maintain current inventories of the following resources:

- a. Historic Resources;
- b. Open Space;
- c. Scenic Views and Sites.

Following procedures, standards, and definitions contained in commission rules, local governments shall determine significant sites for inventoried resources and develop programs to achieve the goal.

FINDINGS:

Natural Features Inventory

The City of Damascus, through a Goal 5 planning grant from the Oregon Department of Land Conservation and Development, retained a consultant team led by Winterbrook Planning to conduct an inventory of natural resources within the city limits. The city's inventory was completed in 2007 and was accepted by the Damascus City Council (Resolution No. 07-187). The results of the consultants' work are in the *Natural Features Inventory Natural Resources Report* which is included by reference in the Comprehensive Plan as a supporting document.

In 2012, the natural resources inventory was confirmed, refined and updated based on site visits. The inventory addresses the following natural resources: wetlands, riparian corridors, wildlife habitats, groundwater resources, and Oregon scenic waterways. The report also summarizes the public involvement and agency coordination efforts.

The inventory collected the best available data from as many existing sources as possible, including field area experts, local citizens, and land owners. Each resource site was then addressed individually, beginning with a brief overview, a review of inventory methods, a summary of inventory results, and a review of significance determination. Site-specific documentation on the location quantity and quality of individual resource sites is provided in maps and appendices to the report.

The Natural Resource Inventory and Natural Resources Report were completed to address State Land Use Goal 5 (Natural Resources) requirements and identify the location, quality, and quantity of the planning area's natural resources. Site-specific documentation on the location, quantity, and quality of individual sites is provided on the maps and appendices to the Natural Features Report.

DMC Chapter 17.309, Comprehensive Plan, Zoning Map and Text Amendments, allows for a property owner to apply for a map correction if they believe that the location and data of the City's Natural Features Inventory is inaccurate.

GUIDELINES FOR GOAL 5

A. PLANNING

1. The need for open space in the planning area should be determined, and standards developed, for the amount, distribution, and type of open space.
2. Criteria should be developed and utilized to determine what uses are consistent with open space values and evaluate the effect of converting open space lands to inconsistent uses. The maintenance and development of open space in urban areas should be encouraged.

FINDINGS:

The City chose to use Metro's Title 3, Water Quality and Flood Management and Title 13, Nature in the Neighborhood standards for the amount, distribution and type of open space in Damascus. The standards used in Title 3 and Title 13 are regional standards and comply with uses that are consistent with open space values.

3. Natural resources and required sites for the generation of energy (i.e. natural gas, oil, coal, hydro, geothermal, uranium, solar and others) should be conserved and protected; reservoir sites should be identified and protected against irreversible loss.

FINDINGS:

The City has adopted a Natural Resources Program within the Development Code to implement the goals and policies of the Comprehensive Plan and implement the regional standards. . DMC Chapters 17.308 (Hillside & Geologic Hazard Development Standards), 309 (Natural Resource Area), 406 (Planned Developments) and 413 (Transfer of Development Credits) address natural resources.

Natural Resources Goal 5 Program Summary- DMC Chapter 17.309

The City of Damascus has adopted programs that protect natural resources and conserve scenic, historic, and open space resources for present and future

generations. These include regulatory, voluntary, and incentive based programs to allow for a range of options for protection and conservation. The Development Code implements the regulatory aspects of the Goal 5 program. The Goal 5 program includes the following:

a. Protected water features: all mapped streams, wetlands, rivers, natural lakes and springs

The City will apply Metro Title 3, Water Quality & Flood Management, standards to all mapped protected water features which allows for vegetated corridor widths between 15 feet and 200 feet depending upon drainage size and adjacent slope.

b. Steep slopes (>25%), historical landslide areas, rapidly moving landslides

- i. New development is allowed at a density of not more than 1 home per 2 acres on land with a natural slope above 25%. Homes built on slopes can be clustered together on a portion of the property to reduce costs of new driveways, water and sewer lines, and to avoid developing in natural areas.*
- ii. An analysis by a professional engineer is required to make sure slopes are stable before development is allowed.*
- iii. Owners will also be given the option to transfer density to other areas rather than build on slopes. Transferring density means an owner can build more homes on their property (where there are no slopes) or sell the right to build homes to other property owners who want to develop land at higher densities than they otherwise could.*

c. Wildlife Habitat

Wildlife habitat is protected 5 ways:

- i. Through Metro Title 3 standards;*
- ii. Through Metro Title 13 standards, Habitat Conservation Areas*
- iii. Through limited development on slopes greater than 25%;*

The City in its Natural Resources Inventory has not identified sites for the generation of energy. The Integrated Water Capital Plans does not contain plans for a reservoir. No standards for protection are needed for energy resources or reservoir sites.

4. Plans providing for open space, scenic and historic areas, and natural resources should consider as a major determinant the carrying capacity of the air, land, and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

FINDINGS:

The goal of Damascus is to create a community that allows urban development while protecting the area's rural character and natural environment (Damascus Core Values 1 and 5). The Development Code implements the Goal 5 program in DMC Chapters 17.308 (Hillside & Geologic Hazard Development Standards), 309

(Natural Resource Area), 406 (Planned Developments) and 413 (Transfer of Development Credits) address the protection and conservation of natural resources. The Comprehensive Plan includes protection of slopes greater than 25%. The land use pattern in the Comprehensive Plan and the active transportation elements in the TSP encourage alternative modes of transportation such as walking, biking and transit which will have a positive impact on protecting air quality. The urban forestry ordinance (DMC16.32) protects large trees and stands of trees, also helping to protect and maintain air quality. The combination of protection of resources in the Comprehensive Plan address the carrying capacity of the water, air, and land resources is not exceeded and is consistent with this section.

5. The National Register of Historic Places and the recommendations of the State Advisory Committee on Historic Preservation should be utilized in designating historic sites.

FINDINGS:

The Development Code contains standards for the protection of historic resources. Chapter 17.310 - Historic Resources facilitates the protection, enhancement, the perpetuation of the City's archaeological and historic resources and implements the goals and policies of the Comprehensive Plan as well as state and federal standards. DMC 17.310.030 (D)(1) contains the criteria for the designation of a historic resources. The criteria are consistent with the National Register of Historic Places and the State Advisory Committee on Historic Preservation. The code language is the same language as contained in the Oregon Model Code and is consistent with this section.

6. In conjunction with the inventory of mineral and aggregate resources, sites for removal and processing of such resources should be identified and protected.

FINDINGS:

The Natural Features inventory does not contain mineral or aggregate resources sites. This section is not applicable.

7. As a general rule, plans should prohibit outdoor advertising signs except in commercial or industrial zones. Plans should not provide for the reclassification of land for the purpose of accommodating an outdoor advertising sign. The term "outdoor advertising sign" has the meaning set forth in ORS 377.710(23).

FINDINGS:

DMC 17.305.090 regulates the signs allowed in residential zones. Per the code section, only monument signs at subdivision and neighborhood entrances and temporary signs regulated to one per development are permitted. The code does not regulate the content of the signs. Signs are prohibited in the public right of way. Based on the information above, the Development Code is consistent with this section.

B. IMPLEMENTATION

1. Development should be planned and directed so as to conserve the needed amount of open space.

FINDINGS:

The City has adopted a Natural Resources Program within the Development Code to implement the goals and policies of the Comprehensive Plan and implement the regional standards for protection and conservation. . DMC Chapters 17.308 (Hillside & Geologic Hazard Development Standards), 309 (Natural Resource Area), 406 (Planned Developments) and 413 (Transfer of Development Credits) address natural resources. The adopted programs protect natural resources and conserve scenic, historic, and open space resources for present and future generations. The Development Code implements the regulatory aspects of the Goal 5. The code requirement that directly conserves open space and provides for stream setbacks is DMC 17.309 (Natural Resource Areas). The City has chose to implement Metro Title 3 and 13 which protects and conserves streams, wetlands, lakes, and springs through regulatory setbacks and protects and conserves open space through Habitat Conservation Areas (HCAs).

2. The conservation of both renewable and non-renewable natural resources and physical limitations of the land should be used as the basis for determining the quantity, quality, location, rate and type of growth in the planning area.

FINDINGS:

In June 2008, the City in conjunction with SERA Architects conducted a suitability analysis. The suitability analysis helped planners and the community weigh various options for siting specific land uses. The process evaluated a combination of geographic data (geo-data), such as slopes, habitat quality, or presence of wetlands to determine the relative suitability of an area or plot of land for a certain type of land use. The results in the Damascus Suitability Analysis were utilized by the Community Coordination Committee (C3), the City Council, and the City's consultant team to construct an Opportunities and Constraints Map and to inform Sub-Area Planning. Ultimately, the Suitability Analysis informed the Comprehensive Plan in locating areas suitable for conservation and development. Development was further broken down into four general development types – employment, commercial office, commercial, retail and residential.

The Opportunities and Constraints Map informed the Comprehensive Plan map process. One of the most important elements dealt with the City's natural features and development of buttes. The composite Conservation Suitability Map suggests that areas around the buttes need not be placed in conservation land uses wholesale; however, a look at the four composite development suitability analyses suggest that only very limited development, mostly residential in nature, should occur in these areas.

3. The efficient consumption of energy should be considered when utilizing natural resources.

FINDINGS

Damascus strives to achieve energy efficient consumption as the city urbanizes. The Damascus Comprehensive Plan Map, Zoning Map and Development Code revolve around Smart Growth principles. The result of implementing smart growth will be a reduction of vehicle trips in the City and promoting alternative forms of transportation, such as walking and biking. The Zoning Map implements density gradients along high capacity transportation corridors in the City. The City's Development Code contains a dark skies ordinance (DMC 17.307) which will reduce energy use and light pollution and solar orientation standards (DMC 17.201.060) to increase the potential for solar energy use by residents and businesses in the City. Lastly, the Oregon Residential Energy Code was revised in 2008, regulating building practices through required performance standards which will lower energy use for new construction. Damascus will follow this code.

A well planned transportation system has the potential to significantly reduce energy consumption as well. Statewide Planning Goal 12: Transportation, OAR 660-12-(000-070), requires a reduction in vehicle miles traveled. The City Development Code and Transportation Systems Plan promotes efficient multi-modal transportation systems and active transportation. These multi-modal transportation systems combine mixed use development with walking, bicycling, transit, and other alternatives to single occupancy auto trips.

4. Fish and wildlife areas and habitats should be protected and managed in accordance with the Oregon Fish and Wildlife Commission's fish and wildlife management plans.

FINDINGS:

Comprehensive Plan Chapter 5, Policy 6 states that the Comprehensive Plan must be consistent with state and regional requirements. The Development Code Natural Resources Section 17.309.030 states that in addition to the City's Wildlife and Water Resources Map, the following maps and documents may be used as reference for identifying areas subject to the requirements of this Chapter, including "All applicable State, Regional and Federal development standards[.]"

5. Stream flow and water levels should be protected and managed at a level adequate for fish, wildlife, pollution abatement, recreation, aesthetics and agriculture.

FINDINGS:

Comprehensive Plan Chapter 4, Policy 8 says that the City will maintain a monitoring records system for surface water as it leaves our jurisdiction at the designed waterways. The Goal 5 program in the Development Code protects streams per Metro Title 3 requirements (DMC Chapter 17.309) and the requirements for the Clackamas River Greenway Overlay (DMC17.205).

The City's and/or County's stormwater standards will be applied at the time of development. When Damascus is ready to accept sole responsibility for administering the development code, the stormwater standards will be in place.

6. Significant natural areas that are historically, ecologically or scientifically unique, outstanding or important, including those identified by the State Natural Area Preserves Advisory Committee, should be inventoried and evaluated. Plans should provide for the preservation of natural areas consistent with an inventory of scientific, educational, ecological, and recreational needs for significant natural areas.

FINDINGS:

The Clackamas River Greenway is a regionally significant natural area and is inventoried in the Damascus Natural Features Inventory. The Development Code Section 17.205 Clackamas River Greenway Overlay contains the requirements for the preservation of the resource.

7. Local, regional and state governments should be encouraged to investigate and utilize fee acquisition, easements, cluster developments, preferential assessment, development rights acquisition and similar techniques to implement this goal.

FINDINGS:

See Goal 5 Program that is implemented through DMC Chapters 17.308 (Hillside & Geologic Hazard Development Standards), 17.309 (Natural Resource Area), 17.406 (Planned Developments) and 17.413 (Transfer of Development Credits) address natural resources. Acquisition, easements, cluster developments, and development rights acquisition as all utilized to implement Goal 5.

8. State and federal agencies should develop statewide natural resource, open space; scenic and historic area plans and provide technical assistance to local and regional agencies. State and federal plans should be reviewed and coordinated with local and regional plans.

9. Areas identified as having nonrenewable mineral and aggregate resources should be planned for interim, transitional and "second use" utilization as well as for the primary use.

FINDINGS:

Sections 8 and 9 are not applicable. The only aggregate site in the City, the Patton property, is designated for reuse as low density residential development.

In accordance with the third Core Value and Goal 5, the City has adopted goals, policies, and implementation measures that provide the basis for programs to protect natural resources and the conserve scenic, historic, and open space resources for present and future generations. These goals, policies, and implementation strategies are contained in the Comprehensive Plan, *Chapter 4, Stewardship of Our Environment*, and are consistent with Goal 5.

The City has adopted the following goals and policies which provide the policy direction for natural, scenic and historic resources

Comprehensive Plan Goals and Policies for Goal 5: Natural Resources Scenic, and Historic Areas, and Open Spaces

Chapter 4, of the Damascus Comprehensive Plan addresses natural resources, scenic and historic areas and open spaces

Goal 1: Damascus is to balance the development needs of our growing community with responsible stewardship of its natural environment and, therefore, will manage land uses in a way to: prevent the loss of life, reduce risks to property, protect our natural resources, and encourage energy conservation.

Policy 1: Ensure protection of life and property through best management practices.

Implementation Strategies:

- *The intensity of development in hillside areas will be correlated with degree of hazards.*
- *Development on lands with slopes of 25% or more shall be limited to one unit per two acres and shall avoid significant streams, natural drainage ways to the maximum extent practicable.*
- *Geologic hazards (steep slopes those greater than 25%, and mapped historical and rapidly moving landslide areas) shall be evaluated in detail by a Certified Engineering Geologist (C.E.G.) through a geologic assessment prior to development. Surface water flowing from new development shall be controlled such that it does not negatively impact public or private property by increasing flow, concentrating flow, or fueling erosion that was not present beforehand.*
- *Through programs and incentives, the City may promote maintenance and preservation of riparian vegetation to protect water quality.*
- *Defensible space shall allow for the protection of residential structures from wildfires in the wildland-urban interface.*

Policy 2: Encourage a variety of programs and incentives to protect and enhance identified natural resource areas.

Implementation Strategy:

- *The City may pursue funding for the acquisition, protection and enhancement of natural resource areas through private and public groups, and Federal, State and regional agencies.*

Policy 3: Prioritize and set aside public land for open space, stormwater management, wildlife habitat, water quality, preservation of rural character, or other community needs as development occurs.

Policy 4: Protect riparian corridors consistent with applicable Regional, State and Federal laws and regulations.

- *The City shall maintain and comply with Metro's Title 3 and 13 standards for water quality and flood management and wildlife habitat.*
- *The City shall maintain and comply with the Oregon's Scenic Waterway designation for the Clackamas River.*
- *Ensure development in floodplains is consistent with applicable State and Federal laws and regulations.*
- *To ensure public safety no encroachment into FEMA mapped floodway will be allowed without State and Federal permits.*

Policy 5: Require compliance with all applicable Federal, State and regional agencies on air quality standards.

Policy 6: Establish a management plan for publically-owned open spaces.

Policy 7: Establish best practices and innovations to enhance the functions of natural systems for stormwater management including the use of swales, trees and vegetation.

Policy 8: Maintain a monitoring records system of surface water as it leaves our jurisdiction at the designated waterways of Sunshine, Rock, Richardson, Noyer, and Kelly Creeks.

Implementation Strategy:

- *Continue to work with agency partners including Watershed Councils, Clackamas County Soil and Water Conservation District, and the Johnson Creek Inter-Jurisdictional Committee that monitor water quality.*

Appendices:

The following City documents guide and implement policies regarding Land Use Planning the community: Development Code (DMC Title 17) and Zoning Map, Damascus Core Values, Natural Features Inventory (Natural Resources & Natural Hazards),

Goal 6: Air, Water and Land Resources Quality Oregon Administrative Rules Chapter 660-015-0000(6)

“To maintain and improve the quality of the air, water and land resources of the state.”

All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality standards. With respect to the air, water and land resources of the applicable air sheds and river basins, described or included in state environmental quality standards, rules, and implementation plans, shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.

A. Planning

1. Plans should designate alternative areas suitable for use in controlling pollution including but not limited to waste water treatment plants, solid waste disposal sites and sludge disposal sites.
2. Plans should designate areas for urban and rural residential use only where approvable sewage disposal alternatives have been clearly identified in such plans.

FINDINGS:

The City has prepared an Integrated Water Capital Plan and adopted it as part of the Comprehensive Plan. This document provides the approach the City will take to provide water, wastewater, and stormwater infrastructure for development, as well as the manner in which the discharges from development of infrastructure and other future development will be addressed and regulated. Accordingly, development of the City will not progress beyond the capacity of existing infrastructure to serve such development. In turn, this ensures that the discharges from such development will not be in excess of state and federal standards and shall not exceed the carrying capacity of, degrade, or threaten the availability of the City’s air, water, and land resources. The Integrated Water Capital Plan provides lists of significant public facility projects for storm and wastewater projects that will maintain and improve the area’s quality of water. All plans and programs will be coordinated with the state’s environmental quality statutes and the Clackamas River Basin Council. No solid wastes disposal sites are planned in Damascus for the 20-year planning period.

The Development Code manages the use and division of the land within the UGB in Damascus. The Development Code regulates land use and development until approvable sewage disposal facilities are identified and available.

The Development Code 17.403 Land Divisions and Property Line Adjustments requires, as a condition to partitions and sub-divisions, that appropriate public facilities be provided to all lots or parcels. The exception to the public facility concurrency requirement is the interim development standards. Interim Development when Public Sewer or Water are Not Available (17.403.020.C) is intended to allow reasonable land divisions while also preserving land in

parcels large enough to help assure the opportunity for future urbanization. The code requires, as a condition of approval, a Re-Division Plan where lots are of such size, shape, and orientation as to demonstrate and facilitate future re-division in accordance with the requirements of the land use zone. All structures are required to be sited to conform to the setback standards on identified future lots. Lots are required to be an acre and larger and demonstrate well/sewer acceptability to the County Sanitarian, Oregon Health Authority and/or Oregon Department of Water Resources.

The Development Code 17.304.010.D- Public Facilities Standards provides the following regulation: “No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code and adopted City requirements for public facility provision, including those implemented through intergovernmental agreements with service providers.” Public Facilities required are transportation facilities, dedication of public use areas, sanitary sewer and water service improvements, storm drainage improvements and utilities.

3. Plans should buffer and separate those land uses which create or lead to conflicting requirements and impacts upon the air, water and land resources.

FINDINGS:

Comprehensive Plan and Map guide development in a manner so as to ensure that more intense levels of development occur in areas of the City that have relatively lower conservation value.

There are no major air, water, land, or thermal point-source polluters in Damascus. However, area-wide sources of pollution, in the form of urban growth and development, pose a threat to maintenance of the existing environmental quality. The majority of existing residential areas are buffered from traffic noise by distance. Chapter 8.08 of the Damascus Municipal Code addresses noise control in the city and sets provisions, enforcement and penalties for noise levels and sources. The Comprehensive Plan buffers future industrial uses in the southeastern portion of the city through natural topographic relief (riparian corridor). The use this edge buffer will help protect other uses that could be affected by noise. Cooperation among all levels of government and citizens is critical to protecting these resources. State and federal agencies, including the federal Environmental Protection Agency (EPA) and the Oregon Department of Environmental Quality (DEQ), have a primary role in monitoring and enforcing quality standards.

The Development Code implements the land use controls that protect air, land and water resources in DMC Natural Resources Section 17.309 and DMC Section 17.301 Access and Circulation.

4. Plans which provide for the maintenance and improvement of air, land and water resources of the planning area should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

FINDINGS:

The goal of Damascus is creating a community that allows urban development while protecting the area's rural character and natural environment (Damascus Core Values 1 and 5). The Development Code implements the Goal 5 program in DMC Chapters 17.308 (Hillside & Geologic Hazard Development Standards), 309 (Natural Resource Area), 406 (Planned Developments) and 413 (Transfer of Development Credits). Within that program there is the protection of Title 3 resources, slopes greater than 25% and a 15% open space requirement for all subdivisions of 4 acres or more.. The land use pattern in the Comprehensive Plan and the active transportation elements in the TSP encourage alternative modes of transportation such as walking, biking and transit which will have a positive impact on protecting air quality. The urban forestry ordinance (DMC16.32) protects large trees and stands of trees, helping to protect and maintain air quality. The combination of protection of resources and smart growth elements of the Comprehensive Plan address that the carrying capacity of the water, air, and land resources is not exceeded and is consistent with this section.

5. All plans and programs affecting waste and process discharges should be coordinated within the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plan.

FINDINGS:

Adopted into the Comprehensive Plan is the Total Maximum Daily Load Implementation Plan for the Clackamas Basin. The plan serves as the Implementation Plan for the Clackamas River and its tributaries in Damascus. The 20-year growth area in the Comprehensive Plan is entirely within the Clackamas Basin. The Oregon Department of Environmental Quality has approved the TMDL Implementation Plan as specified in Oregon Administrative Rules (OAR 340-042-0880(3)(a)-(e)). Damascus is not in a regulated airshed.

6. Plans of state agencies before they are adopted should be coordinated with and reviewed by local agencies with respect to the impact of these plans on the air, water and land resources in the planning area.
7. In all air quality maintenance areas, plans should be based on applicable state rules for reducing indirect pollution and be sufficiently comprehensive to include major transportation, industrial, institutional, commercial recreational and governmental developments and facilities.

FINDINGS:

Not Applicable

B. IMPLEMENTATION

1. Plans should take into account methods and devices for implementing this goal, including but not limited to the following:

(a) Tax incentives and disincentives,

- (b) Land use controls and ordinances,
 - (c) Multiple-use and joint development practices,
 - (d) Capital facility programming,
 - (e) Fee and less-than-fee acquisition techniques, and
 - (f) Enforcement of local health and safety ordinances.
2. A management program that details the respective implementation roles and responsibilities for carrying out this goal in the planning area should be established in the comprehensive plan.
 3. Programs should manage land conservation and development activities in a manner that accurately reflects the community's desires for a quality environment and a healthy economy and is consistent with state environmental quality statutes, rules, standards and implementation plans.
 4. Plans which provide for the maintenance and improvement of air, land, and water resources of the planning area should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.
 5. All plans and programs affecting waste and process discharges should be coordinated within the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plan.

FINDINGS:

The citizens of Damascus value their air, water and land resources. The present level of environmental quality is a significant community asset which makes Damascus a desirable community. The environmental quality of the City may be jeopardized, however, by continued growth and development. The City's fourth Core Value ensures the environmental responsibility. The goal of Damascus is to create a community that allows urban development while protecting the area's rural character and special natural environment (Damascus Core Values 1 and 5).

The City has prepared an Integrated Water Capital Plan and adopted it as part of the Comprehensive Plan. This document provides the approach the City will take to provide water, wastewater, and stormwater infrastructure for development, as well as the manner in which the discharges from development of infrastructure and other future development will be addressed and regulated. Accordingly, development of the City will not progress beyond the capacity of existing infrastructure to serve such development. In turn, this ensures that the discharges from such development will not be in excess of state and federal standards and shall not exceed the carrying capacity of, degrade, or threaten the availability of the City's air, water, and land resources.

All plans and programs will be coordinated with the state's environmental quality statutes and watershed councils.. Cooperation among all levels of government and citizens is critical to protecting these resources. State and federal agencies, including the federal Environmental Protection Agency (EPA) and the Oregon Department of Environmental Quality (DEQ) have a primary role in monitoring and enforcing quality standards. The Comprehensive Plan and Map and Development Code, as adopted, are consistent with Goal 6 *Air, Water, and Land Resource Quality*, and fully comply with the requirements of Goal 6.

The City has adopted the following goals and policies which provide the policy direction for air, water and land resource quality

Comprehensive Plan Goals and Policies for Goal 6: Air, Water, Land Resource Quality Goals

Chapter 4 of the Damascus Comprehensive Plan addresses air, water, land resource quality

Goal: Damascus is to balance the development needs of our growing community with responsible stewardship of its natural environment and, therefore, will manage land uses in a way to: prevent the loss of life, reduce risks to property, protect our natural resources, and encourage energy conservation.

Policy 1: Ensure protection of life and property through best management practices.

Implementation Strategies:

- *The intensity of development in hillside areas will be correlated with degree of hazards.*
- *Development on lands with slopes of 25% or more shall be limited to one unit per two acres and shall avoid significant streams, natural drainage ways to the maximum extent practicable*
- *Geologic hazards (steep slopes, those greater than 25%, and mapped historical and rapidly moving landslide areas) shall be evaluated in detail by a Certified Engineering Geologist (C.E.G.) through a geologic assessment prior to development*
- *Surface water flowing from new development shall be controlled such that it does not negatively impact public or private property by increasing flow, concentrating flow, or fueling erosion that was not present beforehand.*
- *Through programs and incentives, the City may promote maintenance and preservation of riparian vegetation to protect water quality.*

Policy 2: Encourage a variety of programs and incentives to protect and enhance identified natural resource areas.

Implementation Strategy:

- *The City may pursue funding for the acquisition, protection and enhancement of natural resource areas through private and public groups, and Federal, State and regional agencies.*

Policy 3: Prioritize and set aside public land for open space, stormwater management, wildlife habitat, water quality, preservation of rural character, or other community needs as development occurs.

Policy 4: Protect riparian corridors consistent with applicable Regional, State and Federal laws and regulations.

- *The City shall maintain and comply with Metro's Title 3 and 13 standards for water quality and flood management and wildlife habitat*
- *The City shall maintain and comply with the Oregon's Scenic Waterway designation for the Clackamas River.*
- *Ensure development in floodplains is consistent with applicable State and Federal laws and regulations.*
- *To ensure public safety no encroachment into FEMA mapped floodway will be allowed without State and Federal permits.*

Policy 5: Require compliance with all applicable Federal, State and regional agencies on air quality standards.

Policy 6: Establish a management plan for publically-owned open spaces.

Policy 7: Establish best practices and innovations to enhance the functions of natural systems for stormwater management including the use of swales, trees and vegetation.

Policy 8: Maintain a monitoring records system of surface water as it leave our jurisdiction at the designated waterways of Sunshine, Rock, Richardson, Noyer, and Kelly Creeks.

Implementation Strategy:

- *Continue to work with agency partners including Watershed Councils, Clackamas County Soil and Water Conservation District, and the Johnson Creek Inter-Jurisdictional Committee that monitor water quality.*

Appendices:

The following City documents guide and implement policies regarding Air, Water, and Land Resources Quality in the community:

Development Code (DMC Title 17) and Zoning Map, Damascus Core Values, Natural Features Inventory (Natural Resources & Natural Hazards), Integrated Water Resources Management Plan, Public Facilities Plan, Transportation Systems Plan, Damascus Integrated Water Capital Plan, TMDL Implementation Plan

Goal 7: Areas Subject to Natural Hazards Oregon Administrative Rules Chapter 660-015-0000(7)

“To protect people and property from natural hazards.”

A. NATURAL HAZARD PLANNING

- 1 Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.
- 2 Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.

FINDINGS:

Factual bases and support for the Comprehensive Plan and Map, as they relate to Areas Subject to Natural Hazards are provided by the following supporting plans and studies:

Damascus Natural Hazards Inventory, Damascus Natural Hazards Mitigation Plan, Damascus Municipal Code, 2008 -Title 18: Flood Hazard Area, Damascus Development Code (Article 17.204, 205, 308, 309), Transportation Systems Plan

The hazards identified and addressed are geologic and seismic hazards, wildfire hazards, windthrow hazards and flood hazards.

B. RESPONSE TO NEW HAZARD INFORMATION

- 1 New hazard inventory information provided by federal and state agencies shall be reviewed by the Department in consultation with affected state and local government representatives.
- 2 After such consultation, the Department shall notify local governments if the new hazard information requires a local response.
- 3 Local governments shall respond to new inventory information on natural hazards within 36 months after being notified by the Department of Land Conservation and Development, unless extended by the Department.

FINDINGS:

In December 2009, the City of Damascus adopted an addendum to the Clackamas County Natural Hazards Mitigation Plan in an effort to increase the community’s resilience to natural hazards. The City adopted an update to the Natural Hazards Mitigation plan in May 2013 based on new hazard information provided by the State. Per Comprehensive Plan, Managing the Plan Policy 6, the comprehensive Plan will be maintained consistent with state and regional requirements.

This Natural Hazards Mitigation Plan was developed through representatives from

the City of Damascus, City of Sandy, Boring Fire, Clackamas County Emergency Management, Oregon Trail School District, and the Sandy Fire District. The addendum focuses on the natural hazards that could affect Damascus which includes flood, landslide, wildfire, severe storms, earthquake and volcano. The addendum provides a set of actions that aim to reduce the risks posed by natural hazards through education and outreach programs, the development of partnerships, and the implementation of preventative activities such as land use or watershed management programs. The actions described in the addendum are intended to be implemented through existing plans and programs within the city. The addendum is comprised of the following sections: 1) Planning Process; 2) Community Profile; 3) Risk Assessment; and 4) Action Items. The Federal Emergency Management Agency (FEMA) approved the plan in early 2010.

C. IMPLEMENTATION

Upon receiving notice from the Department, a local government shall:

1. Evaluate the risk to people and property based on the new inventory information and an assessment of:
 - a. the frequency, severity and location of the hazard;
 - b. the effects of the hazard on existing and future development;
 - c. the potential for development in the hazard area to increase the frequency and severity of the hazard; and
 - d. the types and intensities of land uses to be allowed in the hazard area.
2. Allow an opportunity for citizen review and comment on the new inventory information and the results of the evaluation and incorporate such information into the comprehensive plan, as necessary.

FINDINGS:

In 2006, the City of Damascus retained a consultant led by Winterbook Planning to conduct an inventory of natural hazards within the city limits. The inventory addresses the geologic and seismic hazards, wildfire hazards, windthrow hazards and flood hazards.

The Natural Hazards inventory begins with a brief review of study area characteristics and public involvement efforts. Each hazard is addressed individually, beginning with a brief overview and review of inventory methods, a summary of inventory results, and a review of recommendations on how to

mitigate the risks posed by natural hazards. The City's Natural Hazards Map illustrates the combination of natural hazards in Damascus that can be readily mapped.

Public involvement and outreach for this project began in the fall of 2006 and continued through June 2007. The process included extensive landowner notices, two series of public meetings, published notices and articles in *The Observer*, on the City's website, and at City Hall. The Natural Hazards inventory was accepted by City Council on August 6, 2007 (Resolution 07-157).

3. Adopt or amend, as necessary, based on the evaluation of risk, plan policies and implementing measures consistent with the following principles:
 - a. avoiding development in hazard areas where the risk to people and property cannot be mitigated; and
 - b. prohibiting the siting of essential facilities, major structures, hazardous facilities and special occupancy structures, as defined in the state building code (ORS 455.447(1)(a)(b)(c) and (e)), in identified hazard areas, where the risk to public safety cannot be mitigated, unless an essential facility is needed within a hazard area in order to provide essential emergency response services in a timely manner.

FINDINGS:

In December of 2009, the City of Damascus adopted an addendum to the Clackamas County Natural Hazards Mitigation Plan in an effort to increase the community's resilience to natural hazards. The City adopted an update to the Natural Hazards Mitigation plan in May 2013.

This Natural Hazards Mitigation Plan was developed through representatives from the City of Damascus, City of Sandy, Boring Fire, Clackamas County Emergency Management, Oregon Trail School District, and the Sandy Fire District. The addendum focuses on the natural hazards that could affect Damascus which includes flood, landslide, wildfire, severe storms, earthquake and volcano. The addendum provides a set of actions that aim to reduce the risks posed by natural hazards through education and outreach programs, the development of partnerships, and the implementation of preventative activities such as land use or watershed management programs. The actions described in the addendum are intended to be implemented through existing plans and programs within the city. The addendum is comprised of the following sections: 1) Planning Process; 2) Community Profile; 3) Risk Assessment; and 4) Action Items. The Federal Emergency Management Agency (FEMA) approved the plan in early 2010.

The Comprehensive Plan provides for plan policies and implementing measures to protect people and property from natural hazards. The policies in the plan focus on flood, landslide, earthquake, and wildfire hazards. Adopted with the Comprehensive Plan is the Natural Hazards Map that identifies the natural hazard

areas in the City including slopes greater than 25%, potential rapid moving landslide hazards, flooding and historical landside areas. The zoning map has a Flood Hazard Overlay that identifies areas that are subject to periodic inundation from flooding as identified on FEMA FIRM maps and Metro Title 3 Flood Management Areas Maps.

These areas identified on the Natural Hazards Map and Flood Hazard Overlay will be developed with special standards that are implemented in the Development Code and Municipal Code. The standards take into account potential development risks such as landslides, and flooding events.

Below is the sections Development Code and Municipal Code that implements Goal 7:

Development Code Section 17.308

Steep slopes (>25%) For the purpose of this Section, developable lands in areas with steep slopes are areas where building construction is permitted in accordance with the following standards:

A. Areas above twenty five percent slope and within potentially geologically hazardous lands can only be developed for construction after a geologic hazard report is prepared and utilized in accordance with Section 17.308.060(B).

Development Code Section 17.206 Flood Hazard Overlay

The responsible decision maker shall approve, approve with conditions or deny an application request within the 100-year floodplain based upon findings that all of the following criteria have been satisfied:

A. Land form alterations shall preserve or enhance the floodplain storage function and maintenance of the zero-foot rise floodway shall not result in any encroachments, including fill, new construction, substantial improvements and other development unless certified by a registered professional engineer that the encroachment will not result in any increase in flood levels during the base flood discharge;

B. Land form alterations or developments within the 100-year floodplain shall be allowed only in areas designated as Commercial or Industrial on the Comprehensive Plan Land Use Map, except that alterations or developments associated with community recreation uses, utilities, or public support facilities shall be allowed in areas designated residential subject to applicable zoning standards;

C. Where a land form alteration or development is permitted to occur within the floodplain it will not result in any increase in the water surface elevation of the

100-year flood;

D. The land form alteration or development plan includes a pedestrian/bicycle pathway in accordance with any adopted pedestrian/bicycle pathway plan, unless the construction of said pathway is deemed by the hearings body as untimely;

E. The plans for the pedestrian/bicycle pathway indicate that no pathway will be below the elevation of an average annual flood;

F. The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and Clackamas County Water and Environmental Services (WES) permits and approvals shall be obtained prior to any development activity.

Damascus Municipal Code Chapter 18.04

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

A. To protect human life and health;

B. To minimize expenditure of public money and costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. To ensure that potential buyers are notified that property is in an area of special flood hazard;

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and

I. To maintain the functions and values of floodplains such as allowing for storage and conveyance of stream flows through existing and natural flood conveyance systems. (Ord. 2008-31; Ord. 2008-25)

4. Local governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and implementing local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.

FINDINGS:

DMC 17.206 contains the regulations for areas in the Flood Hazard Overlay district. See above.

D. COORDINATION

1. In accordance with ORS 197.180 and Goal 2, state agencies shall coordinate their natural hazard plans and programs with local governments and provide local governments with hazard inventory information and technical assistance including development of model ordinances and risk evaluation methodologies.
2. Local governments and state agencies shall follow such procedures, standards and definitions as may be contained in statewide planning goals and commission rules in developing programs to achieve this goal.

FINDINGS:

The Natural Hazards Mitigation Plan was developed through representatives from the City of Damascus, City of Sandy, Boring Fire, Clackamas County Emergency Management, Oregon Trail School District, and the Sandy Fire District. The addendum focuses on the natural hazards that could affect Damascus which includes flood, landslide, wildfire, severe storms, earthquake and volcano. The addendum provides a set of actions that aim to reduce the risks posed by natural hazards through education and outreach programs, the development of partnerships, and the implementation of preventative activities such as land use or watershed management programs. The actions described in the addendum are intended to be implemented through existing plans and programs within the city. The addendum is comprised of the following sections: 1) Planning Process; 2) Community Profile; 3) Risk Assessment; and 4) Action Items. The Federal Emergency Management Agency (FEMA) approved the plan in early 2010.

GUIDELINES

A. PLANNING

1. In adopting plan policies and implementing measures to protect people and property from natural hazards, local governments should consider:
 - a. the benefits of maintaining natural hazard areas as open space, recreation and other low density uses;
 - b. the beneficial effects that natural hazards can have on natural resources and the environment; and

c. the effects of development and mitigation measures in identified hazard areas on the management of natural resources.

FINDINGS:

Development Code Sections 17.309 and 17.206 implement Goal 5 and 7. Having the same regulations implement both natural resource protection and natural hazards protection ensures that the protection of the natural hazards has beneficial effects on Damascus's natural resources, open space and recreation.

2. Local governments should coordinate their land use plans and decisions with emergency preparedness, response, recovery and mitigation programs.

FINDINGS:

Chapter 5 of the Comprehensive Plan, "Managing the Plan," satisfies this requirement and states in Policy 5 that the City will "maintain interagency coordination agreements with jurisdictions and agencies that provide public facilities and services within the City."

B. IMPLEMENTATION

1. Local governments should give special attention to emergency access when considering development in identified hazard areas.
2. Local governments should consider programs to manage stormwater runoff as a means to help address flood and landslide hazards.

FINDINGS:

This requirement is satisfied. The TSP and Integrated Water Capital Plan address emergency access and stormwater runoff in the City, including identified hazard areas.

Development Code language is in DMC 17.206.050, 17.206.060, 17.205.070, 17.304.040, and 17.304.020.

IWCP Language is found at section 8.3 addressing stormwater conveyance capacity to cover flood protection.

3. Local governments should consider non-regulatory approaches to help implement this goal, including but not limited to:
 - a. providing financial incentives and disincentives;
 - b. providing public information and education materials;
 - c. establishing or making use of existing programs to retrofit, relocate, or acquire existing dwellings and structures at risk from natural disasters.

FINDINGS:

The *Natural Hazards Mitigation Plan* provides a set of actions that aim to reduce the risks posed by natural hazards through education and outreach programs, the development of partnerships, and the implementation of preventative activities such as land use or watershed management programs.

4. When reviewing development requests in high hazard areas, local governments should require site-specific reports, appropriate for the level and type of hazard (e.g., hydrologic reports, geotechnical reports or other scientific or engineering reports) prepared by a licensed professional. Such reports should evaluate the risk to the site as well as the risk the proposed development may pose to other properties.

FINDINGS:

DMC Section 17.308.030 states that a geologic hazard report, in accordance with Section 17.308.060(B) is required for development in areas with a slope of 25% or higher and within potentially geologically hazardous lands. DMC Section 17.401.050 states that the City may require studies or exhibits prepared by qualified professionals to address specific site features and project impacts.

5. Local governments should consider measures that exceed the National Flood Insurance Program (NFIP) such as:

- a. limiting placement of fill in floodplains;
- b. prohibiting the storage of hazardous materials in floodplains or providing for safe storage of such materials; and
- c. elevating structures to a level higher than that required by the NFIP and the state building code. Flood insurance policy holders may be eligible for reduced insurance rates through the NFIP's Community Rating System Program when local governments adopt these and other flood protection measures.

FINDINGS:

DMC Section 17.206 Flood Hazard Overlay Zone conforms to NFIP standards. DMC 17.206.060(L) and (M) contains provisions for the elevation of structures.

FINDINGS:

Conclusions: All elements of the Comprehensive Plan and Map are consistent with Goal 7, Natural Hazards (OAR 660-15-0000(7)), along with all regional, state and federal plans. Therefore, the Comprehensive Plan and Map and Development Code as adopted are consistent with Goal 7: Natural Hazards, and fully comply with the requirements of Goal 7.

The City has adopted the following goals and policies which provide the policy direction for natural hazards

Comprehensive Plan Goals and Policies for Goal 7: Natural Hazards

Chapter 4, of the Comprehensive Plan addresses natural hazards

Goal 1: Damascus is to balance the development needs of our growing community with responsible stewardship of its natural environment and, therefore, will manage land uses in a way to: prevent the loss of life, reduce risks to property, protect our natural resources, and encourage energy conservation.

Policy 1: Ensure protection of life and property through best management practices.

Implementation Strategies:

- *The intensity of development in hillside areas will be correlated with degree of hazards.*
- *Development on lands with slopes of 25% or more shall be limited to one unit per two acres and shall avoid significant streams, natural drainage ways, to the maximum extent practicable.*
- *Geologic hazards (steep slopes those greater than 25%, and mapped historical and rapidly moving landslide areas) shall be evaluated in detail by a Certified Engineering Geologist (C.E.G.) through a geologic assessment prior to development.*
- *Surface water flowing from new development shall be controlled such that it does not negatively impact public or private property by increasing flow, concentrating flow, or fueling erosion that was not present beforehand.*
- *Through programs and incentives, the City may promote maintenance and preservation of riparian vegetation to protect water quality.*

Defensible space shall allow for the protection of residential structures from wildfires in the wildland-urban interface.

Policy 2: Encourage a variety of programs and incentives to protect and enhance identified natural resource areas.

Implementation Strategy:

- *The City may pursue funding for the acquisition, protection and enhancement of natural resource areas through private and public groups, and Federal, State and regional agencies.*

Policy 3: Prioritize and set aside public land for open space, stormwater management, wildlife habitat, water quality, preservation of rural character, or other community needs as development occurs.

- *Meeting State and Regional water quality and floodplain standards.*

Policy 4: Protect riparian corridors consistent with applicable Regional, State and Federal laws and regulations.

- *The City shall maintain and comply with Metro's Title 3 and 13 standards for water quality and flood management and wildlife habitat.*
- *The City shall maintain and comply with the Oregon's Scenic Waterway designation for the Clackamas River.*
- *Ensure development in floodplains is consistent with applicable State and Federal laws and regulations.*
- *To ensure public safety no encroachment into FEMA mapped floodway will be allowed without State and Federal permits.*

Policy 5: Require compliance with all applicable Federal, State, and regional agencies on air quality standards.

Policy 6: Establish a management plan for publically-owned open spaces.

Appendices:

The following City documents guide and implement policies regarding natural hazards within the community:

Damascus Natural Hazards Inventory, Damascus Natural Hazards Mitigation Plan Damascus Municipal Code Chapter 18.04: Flood Hazard Areas, Damascus Development Code (Chapter 17) and Zoning Map, Damascus Transportation Systems Plan

**GOAL 8: RECREATIONAL NEEDS Oregon facilities including destination resorts".
Administrative Rules 660-015-0000(8)**

"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational

RECREATION PLANNING

The requirements for meeting such needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities:

(1) in coordination with private enterprise;

(2) in appropriate proportions; and

(3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements. State and federal agency recreation plans shall be coordinated with local and regional recreational needs and plans.

GUIDELINES FOR GOAL 8

A. PLANNING

1. An inventory of recreation needs in the planning area should be made based upon adequate research and analysis of public wants and desires.

FINDINGS:

As a component to the Public Facilities Plan, the City produced a Parks and Open Space Document to define its vision, goals, and growth for parks, trails, and open space. The document focuses on a planning approach that promotes a comprehensive and interrelated system of parks, recreation, open space and pathways that respond to locally based needs and values. The community needs established in the planning document were gathered from the Subarea Planning Workshops in 2009 and the Community Design Workshop in 2009.

Chapter 2, Section 3 of the Comprehensive Plan, "Public Parks and Open Space," Policy 5 implementation measure states that the City will develop a Parks Master Plan for the City..

1. An inventory of recreation opportunities should be made based upon adequate research and analysis of the resources in the planning area that are available to meet recreation needs.

FINDINGS:

City Staff conducted an inventory of public recreation opportunities and parks within Damascus in 2011. The inventory is located in Chapter 2, Section 3 Public

Parks and Open Space of the Comprehensive Plan Document. There two undeveloped parks under public ownership in Damascus. Damascus has one developed private park operated by a non-profit opened to public. School grounds and HOA open space make up the rest of the land used to meet recreational needs in Damascus.

3. Recreation land use to meet recreational needs and development standards, roles and responsibilities should be developed by all agencies in coordination with each other and with the private interests. Long range plans and action programs to meet recreational needs should be developed by each agency responsible for developing comprehensive plans.

4. The planning for lands and resources capable of accommodating multiple uses should include provision for appropriate recreation opportunities.

5. The *State Comprehensive Outdoor Recreation Plan* could be used as a guide when planning, acquiring and developing recreation resources, areas and facilities.

6. When developing recreation plans, energy consequences should be considered, and to the greatest extent possible non-motorized types of recreational activities should be preferred over motorized activities.

7. Planning and provision for recreation facilities and opportunities should give priority to areas, facilities and uses that

(a) Meet recreational needs requirements for high density population centers,

(b) Meet recreational needs of persons of limited mobility and finances,

(c) Meet recreational needs requirements while providing the maximum conservation of energy both in the transportation of persons to the facility or area and in the recreational use itself,

(d) Minimize environmental deterioration,

(e) Are available to the public at nominal cost, and

(f) Meet needs of visitors to the state.

8. Unique areas or resources capable of meeting one or more specific recreational needs requirements should be inventoried and protected or acquired.

9. All state and federal agencies developing recreation plans should allow for review of recreation plans by affected local agencies.

10. Comprehensive plans should be designed to give a high priority to enhancing recreation opportunities on the public waters and shorelands of the state especially on existing and potential state and federal wild and scenic waterways, and Oregon Recreation Trails.

11. Plans that provide for satisfying the recreation needs of persons in the planning area should consider as a major determinant, the carrying capacity of the air, land and water resources of

the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

FINDINGS:

As a component to the Public Facilities Plan, the City produced a Parks and Open Space Document to define its vision, goals, and growth for parks, trails, and open space. The document focuses on a planning approach that promotes a comprehensive and interrelated system of parks, recreation, open space and pathways that respond to locally based needs and values. The Parks and Open Space Document also considers areas outside the city limits in order to evaluate regional context and connectivity issues. This document builds upon the community's visions and the public's wants and desires for parks and open space that are captured in the City's Core Values, Subareas Planning report, and Vision Plan. The Parks and Open Space Document will serve as the guiding document for the Damascus Parks and Open Space Master Plan.

The Comprehensive Plan Public Parks and Open Space Chapter 2, Section 3, "Public Parks and Open Space," establishes park development standards that are population based and service area based to ensure parks are planned in the appropriate proportions. The Parks and Open Space Planning Document contains an analysis of park standards for similar sized jurisdictions as Damascus's 20-year growth projections. Staff conducted an analysis of the park standards of nearby jurisdictions and local park districts. All these factors were used to determine the park development standards established in the Comprehensive Plan.

The Comprehensive Plan includes policies that direct the development of a Parks Master Plan (Chapter 2, Section 3 Public Parks and Open Space, Policy 6). The development of the Parks Master plan will be budgeted and planned by the City of Damascus.. It will be built upon regional recreation opportunities for collaboration and coordination and partnerships with other jurisdictions, agencies, schools and community groups. The Master Plan will establish community needs and preferences, refine service levels, outline strategies for park infrastructure and provide parks standards. The Master Plan will use the State Comprehensive Outdoor Recreation Plan as a basis for parks planning. The Master Plan will also contain a section on providing recreational opportunities on the Clackamas River Scenic Waterway that runs on the south side of the City. In developing the Plan, the carrying capacity of the water, land and air resources will be addressed so that the plan does not exceed the carrying capacity of the resources.

B. IMPLEMENTATION

Plans should take into account various techniques in addition to fee acquisition such as easements, cluster developments, preferential assessments, development rights acquisition, subdivision park land dedication that benefits the subdivision, and similar techniques to meet recreation requirements through tax policies, land leases, and similar programs.

FINDINGS:

The Development Code 17.304- Public Facilities Standards provides the following regulation: “No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code and adopted City requirements for public facility provision, including those implemented through intergovernmental agreements with service providers.” Required Public Facilities include dedication of public use areas, which includes providing the land dedication for parks or fee in lieu for the facilities identified in the Parks and Master Plan.

The City has adopted a Natural Resources Program within the Development Code to implement the goals and policies of the Comprehensive Plan. Chapters 309 (Natural Resource Area), 406 (Planned Developments) and 413 (Transfer of Development Credits) address natural resources and open space. Additionally, DMC 17.403.020(I) states that, “When a residential property is developed as a subdivision or a multifamily project with an average density of four dwelling units per acre or more, the property owner can dedicate 15% as open space and/or parks OR pay a parks SDC. The owner can develop a portion of the open space as a park with the total dedication as a minimum of 15%.

FINDINGS:

All elements of the Comprehensive Plan and Map are consistent with Goal 8, Recreational Needs (OAR 660-15-0000(8)), along with all regional, state and federal plans. Therefore, the Comprehensive Plan and Map and Development Code as adopted are consistent with Goal 8: Recreational needs, and fully comply with the requirements of Goal 8.

The City has adopted the following goals and policies which provide the policy direction for recreational needs

Comprehensive Plan Goals and Policies for Goal 8: Recreational Needs

Chapter 4, of the Damascus Comprehensive Plan addresses recreational needs

Goal 1: Damascus is to complement our rural character with a park system contributing to an extraordinary livable community while creating a sense of place.

Policy1: Create passive and active recreational opportunities throughout the community for all ages and abilities.

Policy 2: Integrate parks and open spaces into neighborhoods, employment areas, and commercial areas so they are safe, convenient, and accessible.

Policy 3: Encourage partnering with other agencies, schools, organizations, and community groups to leverage funds and sharing of facilities for parks and open spaces.

Policy 4: Provide a network of on-road pathways linking parks, open spaces, neighborhoods, and commercial areas as land divisions occur and areas develop. Emphasis should be placed on utilizing natural areas for the pathways and protecting the special places that reflect the area's heritage and history.

Policy 5: Protect the rural character and history of Damascus by the City purchasing heritage farms, historic resources, and scenic views for parks and open space.

Implementation Strategy:

- *Develop a Parks Master Plan for the City of Damascus.*
- *Require best management practices for public safety in the development of parks and open spaces.*
- *Consider potential impacts to adjacent properties regarding park placement and design. Design aids such as vegetative screening and fencing should be considered to limit potential negative impacts to property owners where appropriate.*
- *Provide signage to discourage trespassing by park users onto adjacent property where appropriate.*
- *Encourage assistance by volunteers and/or volunteer groups for park monitoring and maintenance to help reduce vandalism and maintain safety.*
- *Incorporate parks, open space and trail corridors into the planning and design of all new development to maximize user accessibility and safety and minimize negative impacts to adjacent properties.*

Policy 6: For residential development with densities of 4 units per acre or greater, originating on a parcel of 4 acres or more, require a fifteen percent open space set asides OR pay a System Development Charge fee for public parks.

Policy 7: No Open Space is required on commercial or industrial lands, as a result additional buffering is required to protect Legacy Neighborhoods.

Appendices:

The following City documents guide and implement policies regarding recreational needs in the community:

Damascus Core Values, Damascus Public Facilities Plan, Damascus Development Code (Article 18) and Zoning Map

GOAL 9: ECONOMIC DEVELOPMENT OAR 660-015-0000(9)

“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.”

Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and cost; labor market factors; educational and technical training programs; availability of key public facilities; necessary support facilities; current market forces; location relative to markets; availability of renewable and non-renewable resources; availability of land; and pollution control requirements.

Comprehensive plans for urban areas shall:

1. Include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends;

FINDINGS:

The Damascus Economic Opportunities Analysis (EOA), prepared by ECONorthwest, identifies future employment projections and associated land needs. The analysis assessed land needs associated with two broad categories of employment: (1) retail, services and government; and (2) industrial. The following tables summarize the Goal 9 analysis 20-year land needs. The higher job density ratios are based on job densities for employment uses and developments in communities similar to what is projected for Damascus. They are also similar to Metro regional guidelines for job densities for the same employment types. The Buildable Lands Inventory calculates the amount of land available for jobs based on the Zoning Map designations. The calculations demonstrate that the compressive plan map and zoning map designated sufficient industrial and employment lands to meet the projected amount of jobs in the EOA.

Table 6. Projected Employment, Damascus, 2015-2035, ECONW Report

| <i>Employment Type</i> | <i>New Employment (Jobs)</i> |
|------------------------------|------------------------------|
| Retail, services, government | 1,719 |
| Industrial | 841 |
| Total | 2,560 |

Table 7. Estimated Jobs per Acre, Damascus, 2015-2035, ECONW Report

| <i>Employment Type</i> | <i>Jobs per Acre</i> |
|------------------------------|----------------------|
| Retail, services, government | 30 |
| Industrial | 16 |

Table 8. Projected Total Employment Damascus, 2015-2035, ECONW Report

| <i>Employment Type</i> | <i>Acres</i> |
|------------------------------|--------------|
| Retail, services, government | 57 |
| Industrial | 53 |
| Total | 110 |

2. Contain policies concerning the economic development opportunities in the community;

FINDINGS:

The City has adopted goals and policies which provide the policy direction economic development in Comprehensive Plan Goals and Policies for Goal 9: Economic Development Chapter 2, Section 2 of the Comprehensive Plan. General and specific economic opportunities will be identified when the City completes an Economic Development Strategy report, post adoption of the Comprehensive Plan.

3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies;

FINDINGS:

The Damascus Buildable Lands Inventory (BLI), , shows the calculation of the amount of suitable, available, and necessary land for jobs for the 20-year planning period. The calculation excludes lands constrained by natural resources and natural hazards, lands committed to existing development or other uses and lands needed for public and semi-public facilities. The buildable lands inventory includes a determination of land need estimates (the land needed for employment

and housing over the 20-year planning period) and a land capacity analysis used to demonstrate the city has sufficient land to meet these estimates. The land need estimates in this report were established using the Metro forecast of housing and employment accepted by the City Council in November 2012. Table 18 of the BLI demonstrates that the Zoning Map provides sufficient land for employment for the 20-year planning period thus implementing Goal 10.

Table 18. Summary of Buildable Lands Inventory (Areas shown in Acres)

| Zoning | Area inside the City limit and UGB | Areas constrained by natural features and hazards | Existing development and area used for public and semi-public uses | Total area excluded including overlap | Land remaining after all excluded areas are removed | Land needed for public facilities | Net land available for development |
|-------------------------|------------------------------------|---|--|---------------------------------------|---|-----------------------------------|------------------------------------|
| General Industrial | 233 | 17 | 25 | 41 | 192 | 38 | 154 |
| General Employment | 367 | 22 | 112 | 129 | 238 | 48 | 190 |
| Center | 143 | 14 | 78 | 86 | 57 | 17 | 40 |
| Village | 626 | 153 | 114 | 251 | 375 | 124 | 251 |
| Neighborhood Commercial | 71 | 3 | 19 | 21 | 50 | 15 | 35 |
| Neighborhood Medium | 520 | 48 | 65 | 111 | 409 | 147 | 262 |
| Neighborhood Low | 6,364 | 1,821 | 1,404 | 2,950 | 3,414 | 1,127 | 2,287 |
| Legacy Neighborhood | 1,458 | 153 | 988 | 1,082 | 376 | 94 | 282 |
| Totals | 9,782 | 2,231 | 2,805 | 4,671 | 5,111 | 1,610 | 3,501 |

- Limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.

FINDINGS:

The Comprehensive Plan includes policy directing the compatibility of adjacent use designation and buffering between adjacent uses, including industrial. The Development Code implements the buffering standards in DMC Section 17.203.030. The Comprehensive Plan map establishes land uses near industrial to maximize compatible uses where feasible.

In accordance with ORS 197.180 and Goal 2, state agencies that issue permits affecting land use shall identify in their coordination programs how they will coordinate permit issuance with other state agencies, cities and counties.

GUIDELINES

A. PLANNING

- A principal determinant in planning for major industrial and commercial developments

should be the comparative advantage of the region within which the developments would be located. Comparative advantage industries are those economic activities which represent the most efficient use of resources, relative to other geographic areas.

FINDINGS:

The EOA report identifies the City's strengths and opportunities and its position in the broader Portland metropolitan region. Chapter 2 provides the context for economic growth in Damascus and Chapter 3 factors affecting economic growth in Damascus. The EOA was completed to address the requirements of Goal 9 including addressing Damascus's comparative advantage industries in the region.

2. The economic development projections and the comprehensive plan which is drawn from the projections should take into account the availability of the necessary natural resources to support the expanded industrial development and associated populations. The plan should also take into account the social, environmental, energy, and economic impacts upon the resident population.

FINDINGS:

The City's comprehensive plan takes into account the natural resources and conserves and protects these features through regional standards, Metro Title 3 and Metro Title 13. The regional standards and have taken into account the social, environment, energy and economic impacts upon the resident populations to conserve and protect these natural features while allowing industrial development and associated populations.

3. Plans should designate the type and level of public facilities and services appropriate to support the degree of economic development being proposed.

FINDINGS:

The Damascus Integrated Water Capital Plans and Transportation Systems Plan used the land use designations on the Comprehensive Plan Map as the basis for the planning of the water, wastewater, stormwater and transportation facilities. The level of public facilities and services are appropriate to support the employment lands designed in the Comprehensive Plan.

4. Plans should strongly emphasize the expansion of and increased productivity from existing industries and firms as a means to strengthen local and regional economic development.

FINDINGS:

Comprehensive Plan Goals and Policies for Goal 9: Economic Development Chapter 2, Section 2, Policies 7 and 8 state that the City shall encourage an entrepreneurial climate for existing and new businesses and provide several implementation measures to guide the City in achieving the policy.

5. Plans directed toward diversification and improvement of the economy of the planning area

should consider as a major determinant, the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

FINDINGS:

The goal of Damascus is creating a community that allows for economic growth while protecting the area's rural character and natural environment (Damascus Core Values 1 & 5). The Development Code implements the Goal 5 program in DMC Chapters 17.308 (Hillside & Geologic Hazard Development Standards), 17.309 (Natural Resources), 17.406 (Planned Developments) and 17.413 (Transfer of Development Credits) address natural resources. The City is using regional standards for the conservation and protection of resources which are

B. IMPLEMENTATION

1. Plans should take into account methods and devices for overcoming certain regional conditions and deficiencies for implementing this goal, including but not limited to

- (1) tax incentives and disincentives;
- (2) land use controls and ordinances;
- (3) preferential assessments;
- (4) capital improvement programming; and
- (5) fee and less-than-fee acquisition techniques.

FINDINGS:

The Development Code and Zoning Map provides the regulations that specify where industrial and employment uses are permitted, which, in turn, provides that sufficient industrial and employment land are established in order to meet the need projected by the EOA. The Development Code has land use controls that stipulate permitted uses in the employment and industrial zones. The Development Code contains regulations on the buffering of industrial and employment uses from other non-compatible uses. The Zoning Map provides for about 344 acres of land designated for employment uses, the EOA projects that 110 acres are needed for 20-year planning period, thus the Zoning Map provides for adequate employment land per Goal 9.

An Economic Development Strategy Program will be pursued by the City in the future that will identify additional methods in overcoming regional conditions and deficiencies for implementing Goal 9.

2. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those private and governmental bodies which operate in the planning area and have interests in carrying out this goal and in supporting and coordinating regional and local economic plans and programs.

FINDINGS:

Conclusions: The Comprehensive Plan and Map are consistent with Goal 9, Economic Development. The City prepared an Economic Opportunity Analysis in 2008 and updated it in 2013. The EOA is incorporated by reference into the adopted Comprehensive Plan. The EOA, along with the economic development related goals, policies, and implementation measures listed below, identify and provide policy direction for capitalizing on economic opportunity in the City of Damascus over the 20 year planning period. Because the City has adopted all implementing regulations related to Economic Development, it therefore complies with Goal 9, OAR 660-15-0000(9) and all regional, state and federal plans.

The City has adopted the following goals and policies which provide the policy direction for economic development:

Goal 9: Economic Development, Chapter 2, Section 2 of the Comprehensive Plan

Goal 1: "Ensure a prosperous, healthy Damascus where residents have the opportunity to live productive lives and contribute to the community by having access to jobs, affordable education, housing, community spaces, transportation, and social and medical service options."

Policy 1: Capitalize on strengths and opportunities within the community and region to attract future employment.

Implementation Strategy:

- *Work with Clackamas County's Business and Economic Development Team to attract and assist businesses.*
- *Coordinate with public schools, community colleges, universities and other educators to provide courses within the City helping to create an educated workforce.*

Policy 2: Create economic development strategies that best meet the needs and desires of a growing community.

Implementation Strategy:

- *Work in collaboration with agencies and organizations with expertise in the areas of community and economic development to leverage resources and pursue mutual interests.*
- *Join the Clackamas County Main Street Program.*

Policy 3: Encourage a diverse range of employment opportunities

Implementation Strategy:

- *Designate land uses on the Comprehensive Plan and Zoning maps to accommodate no less than the land needed to meet the economic development goals of the City for a 20-year period.*

- *Designate neighborhood commercial and mixed use zones to encourage appropriate retail development near residential zones.*

Policy 4: Support and encourage commercial and industrial development to meet the future needs of the community and region.

Implementation Strategy:

- *Develop codes to meet economic development objectives and encourage an appropriate mix of uses in commercial and industrial zones.*
- *Allocate sufficient large acreage industrial lands to meet the future needs as identified in the City's most current Economic Opportunities Analysis.*

Policy 5: Establish economic development policy, programs and districts that support the provision of family wage jobs.

Policy 6: The City shall seek voter approval of financial systems necessary to fund infrastructure needed to support economic development.

Policy 7: Encourage an entrepreneurial climate for existing and new businesses.

Implementation Strategy:

- *Ensure infrastructure, such as Internet access, cable and other utilities, are provided throughout the community.*
- *Create an understandable, efficient, and fair land use process for the administration and consideration of planning applications of all types.*
- *Minimize the regulatory environment by focusing on the laws, regulations that really matter in balancing the interests of individuals and the community and focusing on helping rather than hindering the people involved in development and construction activities on their land.*

Policy 8: Create a unique economic foundation, as the city develops, based on its rural past by providing opportunities and support for home based businesses and agriculture based businesses to locate and thrive.

Implementation Strategies:

- *Ensure home-based businesses are supported in the Development Code with provisions to mitigate negative impacts on the surrounding neighborhood.*

Policy 9: Support existing farms, nurseries and sustainable forest production and associated activities to help them remain viable businesses.

Implementation Strategy:

- *Establish opportunities to protect existing farms, nurseries and commercial forests, until such time as property urbanizes*
- *Encourage local bid contracts with producers for goods used or served in City facilities.*
- *Encourage agriculture, horticulture, and forestry production methods within the City.*
- *Minimize land use conflicts between urban development and farms through Development Code standards.*
- *Allow activities supporting enhancement of farm and forest income such as agri-tourism, special events, farm-stays, educational retreats, and more.*
- *Encourage vertical integration in the economic use of natural resources spanning growing, processing, storage, distribution, and retail sales of local agriculture and timber products.*

- *Be proactive in encouraging long-term maintenance of agricultural land and associated activities.*

Policy 10: Encourage local food production as part of the economic development and access to healthy food strategies for the community and region.

Implementation Strategy:

- *Establish land use protections for urban food production and distribution activities in the Development Code to improve access to healthy food.*
- *Explore the use of form-based codes to encourage food production either by-right or as a Conditional Use for uses such as green roofs, urban gardens and farms, and small-scale food production, processing and distribution.*
- *Use land use agreements to allow vacant or underutilized public lands for food production*

Appendices:

The following City documents also guide and implement policies regarding economic development the community: *Damascus Economic Opportunities Analysis, Damascus Buildable Lands Inventory, Damascus Development Code (chapter 18), Zoning Map*

GOAL 10: HOUSING Oregon Administrative Rule 660-015-0000(10)

“To provide for the housing needs of citizens of the state.”

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

GUIDELINES

A. PLANNING

1. In addition to inventories of buildable lands, housing elements of a comprehensive plan should, at a minimum, include:
 - (1) a comparison of the distribution of the existing population by income with the distribution of available housing units by cost;
 - (2) a determination of vacancy rates, both overall and at varying rent ranges and cost levels;
 - (3) a determination of expected housing demand at varying rent ranges and cost levels;
 - (4) allowance for a variety of densities and types of residences in each community; and
 - (5) an inventory of sound housing in urban areas including units capable of being rehabilitated.
2. Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels.
3. Plans should provide for the appropriate type, location and phasing of public facilities and services sufficient to support housing development in areas presently developed or undergoing development or redevelopment.
4. Plans providing for housing needs should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

FINDINGS:

Chapter 2, Section 1 of the Comprehensive Plan states the goal of the City: “Damascus strives to establish residential areas that are safe, healthful and attractive places to live, and provides choices and opportunities for people of all income levels and life stages.” The twenty year planning period, based on Metro’s forecast for population growth, shows households (99.6%) will be in single family housing types, with 0.4% in multifamily housing, including multifamily residential

and multifamily mixed-use housing. The Damascus City Council accepted the Metro forecast on November 19, 2012 through Resolution No. 12-324. The Comprehensive Plan relies on Metro's forecast to shape estimates for the types of housing the City will need in the coming years and the affordability of housing options. The Plan also uses Metro's report to forecast the needed housing units as well as gross acres needed for housing.

B. IMPLEMENTATION

1. Plans should provide for a continuing review of housing need projections and should establish a process for accommodating needed revisions.

FINDINGS:

Comprehensive Plan Chapter 5, "Managing the Plan" sets forth the conditions when revisions may take place in the Plan and supporting documents.

2. Plans should take into account the effects of utilizing financial incentives and resources to

(a) stimulate the rehabilitation of substandard housing without regard to the financial capacity of the owner so long as benefits accrue to the occupants; and

(b) bring into compliance with codes adopted to assure safe and sanitary housing the dwellings of individuals who cannot on their own afford to meet such codes.

3. Decisions on housing development proposals should be expedited when such proposals are in accordance with zoning ordinances and with provisions of comprehensive plans.

FINDINGS:

The City's Development Code sets forth the processes for development review and approval. Each chapter contains allowed uses that permit outright, or with conditions, a variety of housing types. DMC 17.201 is the chapter related to housing in residential zones. DMC 17.202 is related to housing in Mixed Use zones. DMC 17.400 relates to administration of the land use code.

4. Ordinances and incentives should be used to increase population densities in urban areas taking into consideration

(1) key facilities,

(2) the economic, environmental, social and energy consequences of the proposed densities and

(3) the optimal use of existing urban land particularly in sections containing significant amounts of unsound substandard structures.

5. Additional methods and devices for achieving this goal should, after consideration of the impact on lower income households, include, but not be limited to:

- (1) tax incentives and disincentives;
- (2) building and construction code revision;
- (3) zoning and land use controls;
- (4) subsidies and loans;
- (5) fee and less-than-fee acquisition techniques;
- (6) enforcement of local health and safety codes; and
- (7) coordination of the development of urban facilities and services to disperse low income housing throughout the planning area.

6. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.

The City has adopted the following goals and policies which provide the policy direction for housing

*Comprehensive Plan Goals and Policies for Goal 10: Housing
Chapter Two, Section One of the Comprehensive Plan addresses housing*

Goal 1: Ensure a prosperous, healthy Damascus where residents have the opportunity to live productive lives and contribute to the community by having access to jobs, affordable education, housing, healthy food, community spaces, transportation, and social and medical service options.

Policy 1: Encourage flexibility in building and site design to promote safety, livability, and preservation of natural resources.

Policy 2: Create special development standards to ensure transitions between non-residential activities and residential areas where commercial or employment areas are adjacent to residential zoned land.

Policy 3: Ensure that areas developed or designated for multi-family development be compatible with adjoining land uses following design standards that do not detract from the character of existing residential areas.

FINDINGS:

Table 6 of the Comprehensive Plan identifies the Plan designations and zones, including planned densities. Legacy Neighborhood reflects existing large lot subdivisions which are not expected to be further divided, but may develop with limited infill. Neighborhood Plan designation includes the following zones: Neighborhood Low (4-8 du/ac) and Neighborhood Medium (8-18 du/ac). Higher density development is allowed in the Neighborhood Commercial (12-15 du/ac), Village (18-20 du/ac), Center (22- 40 du/ac) and Employment (20-22 du/ac) Plan

designations and zones. The density in the Employment zone is not used to calculate the average density. The intent to allow housing in the Employment district is to encourage some limited mixed use, but the likelihood of housing being built within that zone is low.

| CITY LIMITS AND UGB | Base Residential (units/acre) | Retail (jobs/acre) | Commercial/Office (jobs/acre) | General Employment (jobs/acre) |
|----------------------------|-------------------------------|--------------------|-------------------------------|--------------------------------|
| Legacy Neighborhood | 1 | 0 | 0 | 0 |
| Neighborhood Low | 6.4 | 0 | 0 | 0 |
| Neighborhood Medium | 18 | 30 | 0 | 0 |
| Neighborhood Commercial | 15 | 30 | 30 | 0 |
| Village | 20 | 30 | 30 | 0 |
| Center | 40 | 30 | 30 | 0 |
| General Employment | 0 | 30 | 30 | 16 |
| General Industrial | 0 | 30 | 0 | 16 |

Buildable Lands Inventory

Following is a summary of the assumptions associated with the densities assumed in Table 12. In calculating residential land capacity and resulting average net density, jurisdictions in the Portland region typically assume densities somewhere between 80% and 100% of the maximum density since this calculation is intended to demonstrate that the jurisdiction has the “capacity” to achieve required average net densities. For example, in estimating residential capacity and average net densities as part of their housing needs analysis and Comprehensive Plan Housing element (reviewed by DLCD and Metro as consistent with Goal 10 and Metro Title 11 requirements), the City of Tigard generally assumed development at maximum residential densities for lower density residential zones. In higher density zones, where no maximums exist, they typically assumed development at net densities of approximately 40 dwelling units per acre in mixed use and high density residential zones. In the City of Hillsboro’s South Hillsboro Plan, the City generally assumed development at 80% of net densities. In neighborhood and town center areas, this assumed net residential densities between 24 and 40 units per acre. Consistent with these examples, Damascus assumed the following.

- **Legacy Neighborhood.** The Damascus Development Code does not include a minimum or maximum net density for future new development in this zone. Under the Comprehensive Plan, new development will be limited to detached single-family homes on lots similar in size to the existing development in the area.
- **Neighborhood Low Density.** The City's Development Code establishes a minimum net density of four (4) dwelling units per acre and a maximum net density of eight (8) units per acre. The capacity analysis assumes a base density of 80% of the maximum density, or 6.4 units per net acre.
- **Neighborhood Medium Density.** The City's Development Code establishes a minimum net density of eight (8) dwelling units per acre and a maximum net density of 22 units per acre. The capacity analysis assumes a base density of 80% of the maximum density, or 18 units per net acre. While this is a relatively high density for a medium density residential zone, it is considered a reasonable estimate for two reasons. First, net available residential land zoned for medium density makes up a relatively low percentage of all net residential land (less than 10%). In addition, land zoned for even higher densities makes up a very small portion of land available for residential development. Residential land in the center, village, and neighborhood commercial zones makes up a combined total of only about 4% of the total residential land supply. As a result, a significant percentage of land in the medium density zone will be needed for multi-family and single-family attached units to enable the City to meet its anticipated 60/40 single family detached to multi-family and single-family attached residential split.
- **Neighborhood Commercial.** The Development Code does not include minimum or maximum density requirements in this zone. Instead, the code provides minimum lot size requirements that could result in maximum net density of about 28 units per acre assuming single-story development. However, development in these zones would be in closer proximity to surrounding low and medium density zones, with an expected combination of single-family attached and smaller scale multi-family residential developments. As a result, a density of 15 units per acre (consistent with rowhouse/townhouse development) is assumed in this zone.
- **Village.** The Development Code does not include minimum or maximum density requirements in this zone. Instead the code provides minimum lot size requirements that could result in maximum net density of about 28 units per acre assuming single-story development. However, the zone also allows for building heights equivalent to 3-4 story buildings in this area. Similar to but more conservative than assumed densities in similar zones in other Metro area jurisdictions, the City assumes a net density of 20 units per acre in this zone.
- **Center.** Similar to the Village zone, the Development Code does not include minimum or maximum density requirements in this zone. Instead the code provides minimum lot size requirements that could result in maximum net density of about 28 units per acre assuming single-story development. However, the zone also allows for building heights equivalent to 4-5 story buildings in this area. Similar to but somewhat more conservative than assumed densities in similar zones in other Metro area jurisdictions, the City assumes a net density of 36 units per acre in this zone.

Table 13. Density from Accessory Dwelling Units and Senior Housing by Zone

| Zone | <i>Base Housing Units</i> | <i>Additional ADUs</i> | <i>Additional Senior Housing Units</i> | <i>Total New Housing Units</i> |
|----------------------------|---------------------------|------------------------|--|--------------------------------|
| <i>Legacy Neighborhood</i> | 310 | 31 | 0 | 31 |
| <i>Neighborhood Low</i> | 15,072 | 1,431 | 1,389 | 2,820 |
| <i>Neighborhood Medium</i> | 4,514 | 225 | 88 | 313 |
| <i>Total</i> | 19,896 | 1,687 | 1,477 | 3,164 |

In addition to a base density provided for each zone, additional dwelling units have been added to the buildable lands inventory in three categories: accessory dwelling units (ADUs), senior housing and transfer of development credits. These densities are not based on the net acreage for the zone, but are calculated as added density and added to the overall density of the zone as described below.

Accessory Dwelling Units (ADUs). Metro provides for cities to allow accessory dwelling units on properties developed with single-family detached homes. The City of Damascus expects that a moderate number of ADUs will be needed and desired to help expand the supply of affordable housing in Damascus and to meet the needs of an increasing percentage of older residents. This may be particularly important given the average age of Damascus residents which is higher than the regional average as documented in the City's Housing Needs Analysis.

The City's buildable lands inventory assumes 10% of single-family attached homes within the Legacy Neighborhood and Neighborhood Low zones will contain an accessory dwelling unit. In the Neighborhood Medium zone, only 5% of lots are assumed to include an ADU. The lower percentage reflects the higher percentage of single-family attached and multi-family units assumed in this zone. These are similar to percentages assumed in other jurisdictions in the Portland Metro region and elsewhere in the Willamette Valley. For example, the City of Keizer recently assumed that ADUs will be constructed on 5% of new and existing residential lots during their 20-year planning horizon. The estimated number of ADUs have been added back in the density calculations for each zone where single family detached housing is allowed. The number of additional units is calculated based on the number of single-family attached units expected for each zone. Table 13 provides the expected amount of additional units provided by ADUs and senior housing developments.

Senior Housing Developments. The City of Damascus allows senior housing developments to be built in any residential zone except the legacy neighborhood zone with no limits on residential density. The City expects a modest percentage of land within the low and medium density zones will be developed for this type of housing. As noted previously, the proportion of seniors is projected to continue to increase, with an even larger number of seniors in advanced age groups as the baby boomer generation ages. Senior living and adult residential care facilities in the Portland area are already seeing an increased demand for their facilities and relatively low vacancy rates. With a larger share of aging residents than the County or the region as a whole, Damascus is poised to accommodate a large share of senior housing. The City already has been approached by developers of

two different proposed senior housing facilities.. The BLI assumes that 2.5% of the supply of residential land in the low and medium density zones will be developed for senior housing facilities, a relatively modest proportion, given the size of this demographic group. Similar to accessory dwelling units, these units have been added back into the density calculation based on the additional number of units that could be constructed, but subtracting the base development from this portion of the land supply to avoid double-counting. The average net density for these developments is assumed to be approximately 30 net units per acre, consistent with the density of similar developments in other parts of the region. This density reflects relatively small-scale developments, consistent with height and other site design requirements in Damascus, rather than the very large-scale complexes that have been built in denser areas of Portland.

The Damascus Residential Land and Housing Needs Analysis (HNA) was first drafted in February 2008 by EcoNorthwest. It was updated in January 2013 based on information from Metro's Population Forecast published in September 2012. Consistent with Goal 10, the HNA provides a policy framework based of state and regional requirements and provides an analysis of housing trends, demographic trends, and housing market conditions. The HNA identifies the mix of housing type and density of housing needs in Damascus over the 20-year planning period. The need is based on an estimate of needed dwelling units by income level under two growth scenarios.

In a Continuance Order and Compliance Schedule (Order 11-Cont-Comply-001805), Section 12, subsection (3), the Land Conservation and Development Commission, granted the City an overall residential density of 8 dwelling units/net buildable acre for new construction, consistent with OAR 660-007-0035. However, in response to Metro's Title 11 requirements for 10 dwelling units per acre, staff and consultant Matt Hastie, Angelo Planning Group, recalculated and revised the Buildable Lands Inventory through an addendum. That update is included in the BLI and HNA as an addendum memo dated June 27, 2013.

Table 15 below shows the needed housing units by housing mix and density based on Metro's forecast for population growth.

The forecast assumes a mix of new units to be developed at 60% single-family housing and 40% multifamily housing types (Table 4). Table 5, below, shows the land needed in net and gross acres to accommodate the needed housing. The forecast indicates that Damascus will need about 881 net residential acres or about 1,057 gross residential acres to accommodate new housing between the years 2015-2035.

The forecast results in an average residential density of 9.5 dwelling units per net acre and a base density of 7.3 dwelling units per gross acre. This takes into account the estimated additional dwelling units to be created through the City's Development Code provisions allowing senior housing projects in all zones, without density limitations and accessory dwelling units.

Table 15. Estimated New Jobs, Housing Units, and Residential Density by Zone

| Zone | Jobs | Housing Units | Base Density | Potential Density Available with Transfer, ADUs and Senior Housing |
|-------------------------|---------------|----------------------|---------------------|---|
| Legacy Neighborhood | 0 | 341 | 1 | 1.1 |
| Neighborhood Low | 0 | 20,955 | 6.4 | 9.1 |
| Neighborhood Medium | 79 | 4,866 | 17.6 | 19 |
| Neighborhood Commercial | 948 | 38 | 15 | 18.3 |
| Village | 2,714 | 2,118 | 20 | 22.5 |
| Center | 766 | 324 | 36 | 39.1 |
| General Employment | 4,113 | 0 | 0 | 0 |
| General Industrial | 2,565 | 0 | 0 | 0 |
| Total: | 11,183 | 28,642 | 7.3 | 9.5 |

The needs of the region have been considered to determine a fair allocation of housing types and densities for Damascus. The Damascus Residential Land and Housing Needs Analysis indicates that the demographics of Damascus are expected to become more like the demographics of the Portland region over time and the housing needs in the City will change to reflect this. According to the Analysis, Damascus will be strongly influenced by regional housing needs over the 20-year planning period, particularly those in Clackamas County. However, the City will continue to occupy a specific niche within the regional housing market based on the location of the City within the region and the income of people living in Damascus.

This information has been considered to determine a fair allocation of housing types and densities in the City as reflected on the Comprehensive Plan Map. Clackamas County has worked as the local coordinating body to ensure that cities coordinate their comprehensive plans and land use designations. Clackamas County policies provide for a range of choices in housing types, densities and price and rent ranges throughout the urban areas of the County, including the provision for the development of housing in mobile home parks, condominiums, planned unit developments and housing for seniors and the handicapped. Additional policies also support affordable housing to produce a range of housing prices and rent ranges commensurate with the range of the County's household incomes.

The Damascus Buildable Lands Inventory, , shows the calculation of the amount of suitable, available, and necessary land for residential use for the 20-year planning period. The calculation excludes lands constrained by natural resources and natural hazards, lands committed to existing development or other uses and lands needed for public and semi-public facilities. The buildable lands inventory includes a determination of land need estimates (the land needed for employment and housing over the 20-year planning period) and a land capacity analysis used to demonstrate the city has sufficient land to meet these estimates. The land need

estimates in this report were established using the Metro forecast of housing and employment accepted by the City Council in November 2012. This forecast covers the 20-year planning period from 2015 to 2035 and is the basis for the Housing Needs Analysis (HNA) and Economic Opportunities Analysis (EOA) completed by ECONorthwest.

Table 4. Estimated Needed Future Distribution of Housing Units

| <i>Housing Type</i> | <i>Percentage by Type</i> |
|---|---------------------------|
| Single family detached units | 59% |
| Manufactured homes in parks | 1% |
| Total Single family detached | 60% |
| Single family attached units | 10% |
| Multi-family units | 30% |
| Total multifamily and Single family attached | 40% |

Table 5. Estimated Needed Future Net Residential Land, ECONW

| <i>Housing Type</i> | <i>Needed Acres</i> |
|--------------------------------|---------------------|
| Single family detached | 849 |
| Manufactured homes in parks | 14 |
| Single family attached | 28 |
| Multi-family | 166 |
| Total All Housing Types | 1,057 |

| Zoning | Area inside the City limit and UGB | Areas constrained by natural features and hazards | Existing development and area used for public and semi-public uses | Total area excluded including overlap | Land remaining after all excluded areas are removed | Land needed for public facilities | Net land available for development |
|--------------------------------|---|--|---|--|--|--|---|
| General Industrial | 233 | 17 | 25 | 41 | 192 | 38 | 154 |
| General Employment | 367 | 22 | 112 | 129 | 238 | 48 | 190 |
| Center | 143 | 14 | 78 | 86 | 57 | 17 | 40 |
| Village | 626 | 153 | 114 | 251 | 375 | 124 | 251 |
| Neighborhood Commercial | 71 | 3 | 19 | 21 | 50 | 15 | 35 |
| Neighborhood Medium | 520 | 48 | 65 | 111 | 409 | 147 | 262 |
| Neighborhood Low | 6,364 | 1,821 | 1,404 | 2,950 | 3,414 | 1,127 | 2,287 |
| Legacy Neighborhood | 1,458 | 153 | 988 | 1,082 | 376 | 94 | 282 |
| Totals | 9,782 | 2,231 | 2,805 | 4,671 | 5,111 | 1,610 | 3,501 |

Sufficient land has been designated on the Comprehensive Plan Map to satisfy the

housing needs by type and density range for each of the two housing needs projections, including high and low growth scenarios and the Metropolitan Housing Rule. The Comprehensive Plan includes residential and mixed-use designations that each allows residential uses. The land use designations that allow residential uses on the Comprehensive Plan Map include the following: Legacy Neighborhood, Neighborhood, Village, and Center.

The Development Code and Zoning Map implement the land use designations in the Comprehensive Plan, thus demonstrating the City is meeting Goal 10. The zones identified on the Zoning Map and regulated by the Development Code are: Legacy Neighborhood, Neighborhood Low, Neighborhood Medium, Neighborhood Commercial, Village, and Center. The summary provided in Table 18 of the Buildable Lands Inventory finds that the Zoning Ordinance provides sufficient land to meet the housing needs projected in the Housing Needs Analysis. The HNA shows that 1,057 acres are needed for future net residential land; the BLI demonstrates that the zoning map and development code is providing 3,501 acres of net land for residential development. The Integrated Water Capital Plan (IWCP) and the Transportation Systems plan provide the planning for water, wastewater, stormwater and transportation for the 20-year planning period to support the land uses on the Comprehensive Plan Map and zoning designations on the Zoning Map. The IWCP and Transportation provide for the appropriate type, location and phasing of public facilities to support housing development.

The Comprehensive Plan and Map are consistent with Goal 10, Housing. The City has prepared an Economic Opportunity Analysis in 2008 and updated it in 2013, which is incorporated by reference into the Comprehensive Plan. The HNA, BLI, along with the housing related goals, policies, and implementation measures listed below identify and provide policy direction for housing in the City of Damascus over the 20 year planning period. Because the City has adopted all implementing regulations related to Housing, it therefore complies with Goal 10, OAR 660-15-0000(10) and all regional, state and federal plans.

Appendices:

The following City documents guide and implement policies regarding housing the community: Damascus Housing Needs Analysis, Damascus Buildable Lands Inventory, , Damascus Development Code (Chapter 18) and Zoning Map

GOAL 11: PUBLIC FACILITIES AND SERVICES OAR 660-015-0000(11)

“To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan.

FINDINGS:

The City has developed a public facilities plan (PFP) for the area within the Urban Growth Boundary. The PFP was adopted in November 2009 and was developed to meet Statewide Land Use Planning Goal 11 and the Public Facilities Planning Rule (Oregon Administrative Rule (OAR) 660-011-000). The Plan addresses the essential systems of potable water, wastewater management, stormwater management, and transportation as well as parks and open space and schools and libraries. In addition to these traditional public facilities, the PFP also addresses ecosystem services, which are the unique and irreplaceable services provided by the existing natural resources such as air and water quality protection, stormwater management, erosion control and fish and wildlife habitat. The PFP provides the framework and guidance for the Integrated Water Resource Management Plan (IWRMP) with and the Integrated Water Capital Plans. These plans address water, wastewater, and sewer master planning.

DMC Chapter 13.24 addresses Solid Waste Management. No solid waste disposal sites are specified in the Public Facilities Plan.

GUIDELINES

A. PLANNING

1. Plans providing for public facilities and services should be coordinated with plans for designation of urban boundaries, urbanizable land, rural uses and for the transition of rural land to urban uses.
2. Public facilities and services for rural areas should be provided at levels appropriate for rural use only and should not support urban uses.
3. Public facilities and services in urban areas should be provided at levels necessary and suitable for urban uses.
4. Public facilities and services in urbanizable areas should be provided at levels necessary and suitable for existing uses. The provision for future public facilities and services in these areas should be based upon: (1) the time required to provide the service; (2) reliability of service; (3) financial cost; and (4) levels of service needed and desired.
5. A public facility or service should not be provided in an urbanizable area unless there is provision for the coordinated development of all the other urban facilities and services appropriate to that area.

6. All utility lines and facilities should be located on or adjacent to existing public or private rights-of-way to avoid dividing existing farm units.
7. Plans providing for public facilities and services should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development action provided for by such plans should not exceed the carrying capacity of such resources.

FINDINGS:

- a. **The Comprehensive Plan complies with the requirements cited above. The City adopted the Damascus Integrated Water Capital Plans (IWCP) and Transportation System Plan (TSP). The IWCP covers drinking water, non-potable water, wastewater and stormwater. Urban level services are proposed, in Damascus' western water basins; the Rock Creek Basin and the Richardson Creek Basin and the Clackamas River Basin in Carver. These areas are consistent with the urban boundary and have capacity to serve the 20-year growth forecast for housing and employment. The eastern half of Damascus, located in the Noyer Creek and Sunshine Creek Basins, are not needed to support the 20-year growth forecast based on the densities established by the Comprehensive Plan Map. Therefore, the IWCP does not provide the master planning for water, wastewater and stormwater for those areas of the City. Area 2A, also known as the Royer Road area, is located outside the UGB but inside the City boundary. The IWCP does not address providing urban level public facilities in the Noyer Creek, Sunshine Creek or Royer Road areas. The IWCP does not plan for urban level public water systems or public sewer systems in these areas; therefore, the infrastructure will be adequate to serve only rural uses. The levels of service for public facilities are established for the western half of Damascus in the IWCP. Coordination of service provision of the IWCP is identified in the Integrated Water Capital Plan (Figures ES-1 and ES-2). With the integration of these four water capital plans (and the TSP), "the City is well positioned to cost-effectively meet near-term infrastructure needs and to sustainably support projected development in the City for the next 20 years." (IWCP,Conclusions, ES-4)**
- b. **The Integrated Water Capital Plans, April 2013, provides water infrastructure planning to support the land uses in the Comprehensive Plan for the 20-year planning period. It was developed to address the requirements of Statewide Planning Goal 11. Based on current growth patterns and proximity to existing services and transportation systems, development is expected to be limited to the west side of Damascus, including the Rock Creek, Richardson Creek, and Clackamas River watersheds and a small portion of the Kelley Creek watershed. These areas constitute the 20-year planning area. The 20-year planning area is sufficient to accommodate Damascus' 20 year growth forecast based on the densities established on the Comprehensive Plan Map and Zoning Map. Section 2-1 of the IWCP provides the explanation for the land use and population assumptions used to develop the IWCP.**

The work represented by this report is based on the City's previous planning efforts including the *Public Facilities Plan*, *Southeast Damascus Reuse Study* and the *Damascus Integrated Water Resource Management Plan* (IWRMP) as well as planning work by other entities including the Sunrise Water Authority and Clackamas County Water Environment Services (WES).

As established in the recommendations of the IWRMP, there will be four water systems to serve future development in Damascus, including a drinking water system, a non-potable water system, a wastewater system, and a stormwater system. Simultaneous development of the four systems gives Damascus the flexibility to adapt to changing conditions related to water supply, the value and cost of untreated water, the rate of development, and increasing stringency in water quality regulations affecting wastewater discharge and stormwater treatment. The report includes an inventory and assessment of the existing water systems that are expected to provide services to support the future land uses described in the Comprehensive Plan (Chapter 4), a description of the planning criteria and assumptions used to develop facility recommendations (Chapter 2), a Drinking Water Plan (Chapter 5), Non-Potable Water Plan (Chapter 6), Wastewater Plan (Chapter 7), Stormwater Plan (Chapter 8), Capital Improvement Plan (Chapter 9) and cost estimates for each proposed water system. The recommendations culminate in a map book of capital improvement planning areas depicting the water infrastructure requirements and associated costs for discrete areas within the City's planning area.

The recommendations for water facilities made in the report involve working with existing service providers to take advantage of existing water facilities and to eventually develop agreements for services. Information related to capacity of existing facilities are not meant to presume that Damascus has a pre-existing right or claim to such capacity and are only intended to describe the existing conditions. With the integration of the four water capital plans, the City of Damascus is well-positioned to cost-effectively meet near-term infrastructure needs and to sustainably support projected development in the City for the next 20 years.

- c. The City has obtained a service agreement from Clackamas County Service District #1 to provide for wastewater and stormwater services for the 20-year planning area. The City has also obtained a service agreement from Sunrise Water District to provide the services for the 20-year planning area. They are included in the appendices of the Comprehensive Plan.
- d. The Development Code manages the use and division of the land within the UGB in Damascus to not allow land division until appropriate public facilities and services are available.

The Development Code Section *17.403 Land Divisions and Lot Line Adjustments* requires as a condition to partitions and sub-division that appropriate public facilities be provided to all created lots or parcels. The exception to the public facility concurrency requirement is the interim development standards. *Interim*

Development when Public Sewer or Water are Not Available (17.403.020) is intended to allow reasonable land divisions while also preserving land in parcels large enough to help assure the opportunity for future urbanization. Lots created by partition or subdivision are required to be an acre or larger and demonstrate well/sewer acceptability to the County Sanitarian, Oregon Health Authority and Oregon Department of Water Resources.

The Development Code ***17.304.010 Public Facilities Standards*** provides the following regulation: “No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code and adopted City requirements for public facility provision, including those implemented through intergovernmental agreements with service providers.” Required Public Facilities are transportation facilities, dedication of public use areas, sanitary sewer and water service improvements, storm drainage improvements and utilities.

The Development Code and Zoning Map implement the zoning from which the Integrated Water Capital Plans systems are planned and designed. The DMC Chapter ***17.304.040 Public Facilities*** requires that sanitary sewers storm drainage and water mains are installed in accordance with the Integrated Water Capital Plan, City’s Sewer Master Plan, and the applicable construction specifications.

The Development Code Section ***17.304.060*** addresses the standards for the installation of utilities and public facilities. Utilities are generally required to be underground. The City of Damascus Design and Construction Standards will address the standards for utility construction. The design standards will stipulate that utilities will be located in rights-of-way, in a utility easement adjacent to the right-of-way, or along riparian corridors within a public utility easement.

- e. In the Comprehensive Plan, Economic Development Policy 7 states: “***Encourage an entrepreneurial climate for existing and new businesses.***
Implementation Strategy: Ensure infrastructure, such as Internet access, cable and other utilities, are provided throughout the community.

Facilities planning for the Comprehensive Plan were based upon the population assumptions identified in Section 2.3 of the Integrated Water Capital Plans and the Comprehensive Plan Land Use Map dated January 26, 2012. Near-term development is expected to locate and extend from existing service lines on the west side of Damascus.

- f. Damascus has five school districts partially within its borders where community members may send their children. These school districts are Centennial, Gresham-Barlow, North Clackamas, Oregon Trail, and Estacada School Districts. Each school district handles its own master planning in coordination with the jurisdictions that fall within their boundaries. The districts are required by Oregon

Law to update their facility master plans every 10 years. The City coordinated and participated in the Gresham-Barlow Long Range Facility Plan update in 2012 and the North Clackamas Long Range Facility Plan update in 2013. The Centennial Long Range Facility Plan is scheduled to be updated in 2014. The City has coordinated with Centennial School District to participate in the District's update process. The part of the City served by the Estacada School District is outside the UGB and no growth is anticipated for the 20-year planning period. There are three lots and one residence in the Oregon Trail School District. Little growth is planned for the lots in the Oregon Trail District because they are outside the 20-year planning period. The City will continue to coordinate and support the school districts in their facility plan process to ensure coordination is planning for school facilities. The Comprehensive Plan contains the following policies that address school facility planning in Chapter 3, Section 1:

Policy 5: Encourage school districts, public and private institutions, Clackamas County, and City to work together to co-locate facilities and programs to be multi-functional neighborhood anchors, designed and programmed to serve community members of all generations and abilities.

Policy 6: Consider the effect of housing investments on school enrollment.

Policy 7: Coordinate with the school districts serving Damascus in the development of the districts' long-range facility plans to ensure that school facility plans are consistent with the community's goals and policies.

- g. Effective January 1, 2011 Damascus formally annexed into the Clackamas County Library District. The City of Damascus has an Intergovernmental Agreement (Amendment No. 2 8-18-2011) with the Clackamas County Library District to provide library facilities and services to the residents of Damascus and coordinate how the City will participate in the planning and operations of the district. City will coordinate with the library district in their planning of library facilities and programs to serve the citizens of Damascus as the City grows.
- h. The goal of Damascus is creating a community that allows urban development while protecting the area's rural character and natural environment (Damascus Core Values 1 and 5). The public facilities are planned to mitigate the impact of urban development on the land, water, and air resources by providing for the increased discharges of wastewater and stormwater in a manner not to exceed the caring capacity of the land and water resources. The replacement of septic systems by sanitary sewer and the addition of storm water facilities could improve the water quality in the City.
- i. Parks and Transportation are also public facilities addressed in the

Comprehensive Plan. The findings for how the City is providing those facilities are provided in Goal 8 Recreational Needs and Goal 12 Transportation.

- j. Therefore, all elements of the Comprehensive Plan and Map are consistent with Goal 11, Public Facilities (OAR 660-15-0000(11)), along with all regional, state and federal plans.**
- k. The City has adopted the following goals and policies which provide the policy direction for public facilities**

Comprehensive Plan Goals and Policies for Goal 11: Chapter 3, Section 1Public Facilities

Goal 1: Damascus is to provide for a timely, orderly, and an efficient arrangement of public facilities and services allowing a framework for community growth.

Policy 1: Require all new development within the City limits to be connected to sanitary sewers, except those that can be provided with acceptable subsurface disposal systems if a sewer is not available or service is impractical. These systems shall be adequate to protect the health, safety and welfare of the community and incorporate best management practices.

Policy 2: Require new development to pay its fair share of the cost of public facilities so existing residents and tax payers do not pay an unfair amount for services.

Policy 3: Require all new development and redevelopment to place utility lines underground. If it is unfeasible to place the facilities underground, above-ground facilities shall be designed to fit the landscape.

Policy 4: Coordinate with public facility service providers to plan adequate services to support urban development in a timely manner. Require all new development within the City limits to be connected to water service providers, except those that can be provided with new or existing on-side well systems and if water service is not available or service is impractical.

Policy 5: Encourage school districts, public and private institutions, Clackamas County, and City to work together to co-locate facilities and programs to be multi-functional neighborhood anchors, designed and programmed to serve community members of all generations and abilities.

Policy 6: Consider the effect of housing investments on school enrollment.

Policy 7: Coordinate with the school districts serving Damascus in the development of

the districts' long-range facility plans to ensure that school facility plans are consistent with the community's goals and policies.

Policy 8: Encourage investments, development and partnerships to provide broadband and other technologies to schools, businesses, and residences in the City.

Appendices:

The following City documents guide and implement policies regarding public facilities and services in the community:

Damascus Pubic Facilities Plan, Integrated Water Resources Management Plan, Integrated Water Management Capital Plans, Damascus Core Values, Development Code (Article 18) and Zoning Map.

GOAL 12: TRANSPORTATION Oregon Administrative Rule 660-015-0000(12)

“To provide and encourage a safe, convenient and economic transportation system.”

A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.

FINDINGS:

The City has developed a Transportation Systems Plan (May 2013) guided by ORS 197.712 and by the DLCD Transportation Planning Rule. The TSP is based on the Comprehensive Plan land uses and it provides a transportation system that accommodates the expected growth in population and employment for the 20 year planning period. The TSP contains a road plan for arterial and collector systems, functional classification of streets, street cross-sections, a public transportation plan, a bicycle plan, pedestrian planning and tools, policies and land use strategies for implementing the plan, and costs and potential funding strategies. The TSP incorporates the needs of all users and all travel modes applicable to Damascus. It furthermore recommends areas for future refinement plans that will look in more detail at the Damascus Town Center and Carver Village area. Throughout the process, significant public engagement activities drove the direction of the TSP. The City coordinated with Clackamas County, Metro, and ODOT to ensure the plan was consistent with county, regional, and state transportation plans and projects, specifically the 2035 Metro RTP, Clackamas County TSP, Sunrise Corridor Plan and 172nd/190th Corridor Management Plan. The TSP contains a list of the 20-year needs projects, including costs.

The Damascus Development Code contains provisions and regulations to implement the TSP and address transportation improvements associated with development. Development Code Section 17.304.020 *Transportation Standards* provides the development standards for all new development, including the requirement of conformance with the TSP. Specific standards for streets, bicycle and pedestrian facilities and connectivity are addressed this code section. DMC Section 17.303 provides the standards for parking and loading including bicycling parking to support the City’s active transportation goals. DMC Section 17.301 provides the access and circulation development standards for both vehicles and pedestrians. The standards also support the active transportation goals of the

City's Comprehensive Plan and TSP.

(1) The TSP contains a range of transportation strategies and solutions that will guide the City as it grows and develops. The approach focuses on “active” transportation (i.e. walking, cycling and transit). These strategies can be found in Section 3 of the TSP – Transportation Planning Toolbox. The TSP Chapter 4 provides the plans for the street, bicycling and pedestrian network and street-cross sections. The other travel modes addressed in the Chapter 3 of the TSP are rail service, air service, pipeline service, and surface water transportation. The plan states that no rail or air service exists or planned for Damascus in the 20-year planning period. The TSP identifies several pipeline services passing through Damascus. In the analysis, the TSP concluded that the providers have no plans in the 20-year planning period for new facilities in Damascus. The Clackamas River is the only navigable waterway in Damascus, but the only transportation function that it serves is recreational. The TSP does not propose any new surface water transportation in Damascus in the 20-year planning period.

(2) TSP Section 4 –Transportation System Plan contains the state and regional inventory of transportation context and needs. The TSP is based on the Comprehensive Plan land uses and population forecast that will accommodate growth over the next 20-years along with the state and regional transportation needs. The proposed road plan and functional classifications were designed to meet these needs. The TSP contains a 20-year needs project list which includes costs.

(3) Comprehensive Plan Chapter 3, Section 2 and TSP Section 2: Goals and Policies address the City's goals for its transportation system including social consequences.

(4) The TSP Chapter 4 “Toolbox” provides strategies and implementation tools for increasing “active” transportation choices such as walking and bicycling so the City does not rely on one principle method of transportation. The TSP street cross-sections have both bicycle and pedestrian facilities. The Development Code Chapter 17.303 contains bicycle parking requirements and 17.304.020 Transportation Standards contain the regulations for street, bicycle and pedestrian facilities for all new development. DMC Chapter 17.301 contains pedestrian access and circulation standards for both vehicles and pedestrians to ensure a pedestrian friendly environment in new development.

(5) The Comprehensive Plan and TSP address the potential adverse social, economic and environmental impacts the transportation system. Comprehensive Plan Chapter 3, Section 2 and TSP Section 2: Goals and Policies address the City's goals for its transportation system including social consequences. TSP Chapter 5 Funding and Implementation addresses costs and potential funding sources for the transportation system. The Development Code Chapter 17.309 contains the regulations for the preservation of natural resources. The code section includes provision of public facilities in the natural features Goal 5 program to allow for needed facilities while protecting the resources.

(6) The TSP Chapter 4 “Toolbox” provides strategies and implementation tools for increasing “active” transportation choices such as walking and bicycling so the

City does not rely exclusively on vehicle transportation. The TSP street cross-sections have both bicycle and pedestrian facilities. Increasing active transportation choices will also help conserve energy.

(7) The TSP Chapter 4 “Toolbox” provides strategies and implementation tools for increasing “active” transportation choices such as walking and bicycling and public transit to meet the needs of disadvantaged residents. The transit system will be developed and refined as the City’s population becomes large enough to support it. Comprehensive Plan Chapter 3, Section 2 and TSP Section 2: Goals and Policies address the City’s goals for its transportation system including providing transportation options for all users.

(8) The City of Damascus contains the four Metro Regional TSMO mobility corridors, one of which is Highway 212 that is also an ODOT, Metro, and County designated freight route. The TSP contains TSMO strategies to improve the flow of goods and services to strengthen the local and regional economy.

(9) The TSP is based off the Comprehensive Plan Land Use Map and the population growth projections used to develop the Comprehensive Plan Land Use Map.

GUIDELINES

A. PLANNING

1. All current area-wide transportation studies and plans should be revised in coordination with local and regional comprehensive plans and submitted to local and regional agencies for review and approval.

FINDINGS:

The TSP is based off the Comprehensive Plan, Comprehensive Plan Map and the population growth projections used to develop the Comprehensive Plan. The TSP was adopted as a supporting document in the appendix of the Comprehensive Plan.

2. Transportation systems, to the fullest extent possible, should be planned to utilize existing facilities and rights-of-way within the state provided that such use is not inconsistent with the environmental, energy, land-use, economic or social policies of the state.

FINDINGS:

The TSP road plan uses almost all existing facilities for the arterial and collector system. Due to demand, some new connections for arterial and collector roads are proposed. The Comprehensive Plan Transportation Policy 9 addresses using the exiting road system and its capacity efficiently before building new roads.

3. No major transportation facility should be planned or developed outside urban boundaries on Class 1 and II agricultural land, as defined by the U.S. Soil Conservation Service unless no feasible alternative exists.

FINDINGS:

The City of Damascus is within in the UGB.

4. Major transportation facilities should avoid dividing existing economic farm units and urban social units unless no feasible alternative exists.

FINDINGS:

The City of Damascus is in the UGB so the existing economic farm units will develop with urban uses overtime. Damascus does not contain any large urban social units. Per the TSP, the two areas of the City with significant commercial/ social development pattern will be developed with refinement plans to assure the transportation facilities and the development pattern are compatible.

5. Population densities and peak hour travel patterns of existing and planned developments should be considered in the choice of transportation modes for trips taken by persons. While high density developments with concentrated trip origins and destinations should be designed to be principally served by mass transit, low-density developments with dispersed origins and destinations should be principally served by the auto.

FINDINGS:

The TSP is based off the Comprehensive Plan Land Use Map. Chapter 4 of the TSP addresses Transit Service and provides an inventory of corridors suitable for transit as future development and land uses densities create demand. These are the areas that contain the Damascus Center and Villages they have a minimum density of 15 units per acre. Areas with densities lower than 15 units per acre will be served by auto and active transportation options.

6. Plans providing for a transportation system should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

FINDINGS:

The TSP Chapter 4 “Toolbox” provides strategies and implementation tools for increasing “active” transportation choices such as walking and bicycling so the City does not rely exclusively on vehicle transportation. The TSP street cross-section have both bicycle and pedestrian facilities. Increasing active transportation choices will address help stay within the carrying capacity of the air resources. The Development Code Chapter 17.309 contains the regulations for the preservation of natural resources (Goal 5 Program). The code section includes provisions of public facilities in the natural features in the goal 5 program as to allow for needed facilities while protecting the water and land resources.

B. IMPLEMENTATION

- 1 The number and location of major transportation facilities should conform to applicable state or local land use plans and policies designed to direct urban expansion to areas identified as necessary and suitable for urban development. The planning and development of transportation facilities in rural areas should discourage urban growth while providing transportation service necessary to sustain rural and recreational uses in those areas so designated in the comprehensive plan.

FINDINGS:

Damascus is within the UGB and conforms to the Damascus Comprehensive Plan.

The TSP and Comprehensive Plan were developed concurrently.

3 Plans for new or for the improvement of major transportation facilities should identify the positive and negative impacts on: (1) local land use patterns, (2) environmental quality, (3) energy use and resources, (4) existing transportation systems and (5) fiscal resources in a manner sufficient to enable local governments to rationally consider the issues posed by the construction and operation of such facilities.

FINDINGS:

The TSP identifies only a few areas where roads larger than 3 lanes are needed to accommodate future growth. Those facilities are Highway 212, part of Highway 224, and 242nd Avenue. (1)These existing facilities will be widened to accommodate growth. In areas where they pass through existing development, the TSP has a policy that refinement plans will be developed to assure the transportation systems and development patterns are compatible. (2)The Development Code Chapter 17.309 contains the regulations for the preservation of natural resources. The code section includes provisions of public facilities in the natural features Goal 5 program as to allow for needed facilities while protecting the resources. (3)The TSP Chapter 4 “Toolbox” provides strategies and implementation tools for increasing “active” transportation choices such as walking and bicycling so the City does not rely exclusively on vehicle transportation. The TSP street cross-sections have both bicycle and pedestrian facilities. Increasing active transportation choices will help conserve energy. (4) The TSP road plan uses almost all existing facilities for the arterial and collector system. Due to demand, some new connections for arterial and collector roads are proposed. (5) TSP Chapter 5 Funding and Implementation addresses costs and potential funding sources for the transportation system. The TSP also contains a 20-year needs forecast of projects with cost estimates for the city to us to prioritize projects as development occurs.

4 Lands adjacent to major mass transit stations, freeway interchanges, and other major air, land and water terminals should be managed and controlled so as to be consistent with and supportive of the land use and development patterns identified in the comprehensive plan of the jurisdiction within which the facilities are located.

FINDINGS:

There are not major mass transit stations, freeway interchanges or other major air, land or water terminals existing in Damascus or proposed in the Comprehensive Plan 20-year planning period.

4 Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.

FINDINGS:

The Comprehensive Plan Transportation Policy 15 implementation strategy states that the City will work with regional and state transportation jurisdictions to coordinate planning, construction and maintenance activities related to highways and roadways. A detailed management program will be developed once the Comprehensive Plan is adopted. Currently, the Damascus Public Works coordinates with the County, Metro and ODOT on all transportation planning and

projects.

FINDINGS:

All elements of the Comprehensive Plan and Map are consistent with Goal 12, Transportation (OAR 660-15-0000(12)), along with all regional, state and federal plans.

The City has adopted the following goals and policies which provide the policy direction for transportation:

Comprehensive Plan Goals and Policies for Goal 12: Transportation

Chapter Three, Section 2 of the Comprehensive Plan addresses transportation

Goal: Damascus is to provide a transportation system that is safe, convenient, accessible and economically feasible that incorporates a range of transportation option.

Policy 1: Maintain and improve the local and regional transportation system for all modes of travel.

Implementation Strategy:

- *Adopt a level-of-service standard to assess impacts to the transportation system.*
- *Adopt Transportation Demand Management (TDM) strategies in the Transportation System Plan (TSP).*
- *Adopt Transportation System Management (TSM) strategies in the Transportation System Plan (TSP).*

Policy 2: The City's transportation system should minimize impacts to the natural environment and the design should reflect the community's rural character while ensuring efficiency.

Policy 3: Encourage all new streets and pathways be designed using best management practices to reduce impacts to the environment.

Policy 4: Preserve, maintain and enhance transportation options through safe, efficient, and cost effective measures for all modes.

Policy 5: Provide transportation options, including transit, for the City's transit dependent population, seniors, and physically-challenged residents

Policy 6: Establish development standards and design guidelines to promote safe, convenient alternative modes of travel including walking and biking.

Policy 7: Strive to increase the percentage of bicycle and pedestrian users within the City through the maintenance and preservation of safe, convenient, and efficient pedestrian and bicycle systems.

Implementation Strategy:

- *Incorporate bike facilities into all new multi-family, commercial, and institutional developments, through the Development Code.*

Policy 8: Create transit, pedestrian and bicycle facilities that connect existing and future employment, commercial uses, and neighborhoods.

Implementation Strategy:

- *Allow pedestrian and bike paths or lanes to be located both adjacent to, or incorporated into new subdivisions from public streets and roadways.*

Policy 9: Establish and employ strategies for using the existing road system and its capacity efficiently before building new roads and all new streets shall be located with consideration to how existing development is impacted, supported, or leveraged for future investment.

Policy 10: Establish efficient and effective freight transportation infrastructure that is developed and maintained to support local and regional economic needs and plans.

Policy 11: Establish creative, cost effective and fundable solutions for near and long-term transportation system needs.

Policy 12: Create strategies that enable new transportation projects to be constructed in phases that can be funded.

Policy 13: Establish street design standards that are flexible and allow for appropriately-sized streets given the traffic volume, topography, adjacent land uses, social, economic, and environmental considerations.

Policy 14: Provide flexibility in the transportation infrastructure to accommodate existing land uses and future land use aspirations.

Policy 15: Minimize the potential for Highway 212 as a barrier to community cohesion while maintaining highway function.

Implementation Strategy:

- *Work with regional and State transportation jurisdictions to coordinate planning, construction, and maintenance activities related to highways and roadways.*

Appendices:

The following City documents guide and implement policies regarding transportation in the community: Damascus Core Values, Transportation Systems Plan, Development Code (Article 18) and Zoning Map

GOAL 13: ENERGY CONSERVATION Oregon Administrative Rule 660-015-0000(13)

“To conserve energy.”

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

GUIDELINES

A. PLANNING

- 1 Priority consideration in land use planning should be given to methods of analysis and implementation measures that will assure achievement of maximum efficiency in energy utilization.
- 2 The allocation of land and uses permitted on the land should seek to minimize the depletion of non-renewable sources of energy.
- 3 Land use planning should, to the maximum extent possible, seek to recycle and reuse vacant land and those uses which are not energy efficient.
- 4 Land use planning should, to the maximum extent possible, combine increasing density gradients along high capacity transportation corridors to achieve greater energy efficiency.
- 5 Plans directed toward energy conservation within the planning area should consider as a major determinant the existing and potential capacity of the renewable energy sources to yield useful energy output. Renewable energy sources include water, sunshine, wind, geothermal heat and municipal, forest and farm waste. Whenever possible, land conservation and development actions provided for under such plans should utilize renewable energy sources.

B. IMPLEMENTATION

1. Land use plans should be based on utilization of the following techniques and implementation devices which can have a material impact on energy efficiency:
 - a. Lot size, dimension, and siting controls;
 - b. Building height, bulk and surface area;
 - c. Density of uses, particularly those which relate to housing densities;
 - d. Availability of light, wind and air;
 - e. Compatibility of and competition between competing land use activities; and
 - f. Systems and incentives for the collection, reuse and recycling of metallic and nonmetallic waste.

FINDINGS:

- i. The Land Conservation and Development Commission acknowledged the City's Goal 13 policies on August 22, 2011.
- ii. Damascus uses many approaches to reduce energy consumption as the city urbanizes. The Damascus Comprehensive Plan Map, Zoning Map and Development Code revolve around Smart Growth principles. The result of implementing smart growth will be a reduction of vehicle trips in the City and promote alternative forms of transportations such as walking and biking. The Zoning Map implements density gradients along high capacity transportation corridors in the City. The City's Development Code Section 17.307 Outdoor Lighting Standards contains a dark skies ordinance which will reduce energy use and light pollution. The Development Code Section 17.201.060 Solar Orientation with includes solar access standards to increase the potential for use of solar energy by residents and businesses in the City. The Development Code also limits block sizes and contains pedestrian transportation connectivity and circulation requirements to promote walking. Lastly, the Oregon Residential Energy Code was revised in 2008 regulating building practices through required performance standards that will lower energy use for new construction. This code will be followed in Damascus.
- iii. A well planned transportation system has the potential to significantly reduce energy consumption. Statewide Planning Goal 12: Transportation, OAR 660-12-(000-070), requires a reduction in vehicle miles traveled. The City Development Code and Transportation Systems Plan promote efficient multi-modal transportation systems. These multi-modal transportation systems combine mixed use development with walking, bicycling, transit, and other alternatives to single occupancy auto trips.
- iv. The City has adopted the following goals and policies which provide the policy direction for public facilities

Comprehensive Plan Goals and Policies for Goal 13: Energy

Chapter 4 Land Use and Community Design states:

Policy 7: Encourage a variety of energy efficient strategies throughout the community.

Implementation Strategy:

- *The City will support principles of energy conservation through outreach and education programs.*
- *The City will incorporate eco-friendly (green) building principles into public buildings and facilities.*
- *The City shall encourage energy efficient developments with a range of incentives, such as fee credits and/or fast track approvals, etc.*
- *The City shall adopt energy efficient street lighting standards.*
- *The City shall encourage the development of compatible alternative energy sources.*
- *The City will support new technologies that are energy efficient.*

Chapter 3, Section 2 Transportation, also addresses energy efficiency:

Policy 6: Establish development standards and design guidelines to promote safe, convenient alternative modes of travel including walking and biking.

Policy 7: Strive to increase the percentage of bicycle and pedestrian users within the City through the maintenance and preservation of safe, convenient, and efficient pedestrian and bicycle systems.

Implementation Strategy:

- *Incorporate bike facilities into all new multi-family, commercial, and institutional developments, through the Development Code.*

Policy 8: Create transit, pedestrian and bicycle facilities that connect existing and future employment, commercial uses, and neighborhoods.

Implementation Strategy:

- *Allow pedestrian and bike paths or lanes to be located both adjacent to, or incorporated into new subdivisions from public streets and roadways.*

Goal 14: Urbanization Oregon Administrative Rules 660-015-0000(14)

“To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”

Urban Growth Boundaries

Urban growth boundaries shall be established and maintained by cities, counties and regional governments to provide land for urban development needs and to identify and separate urban and urbanizable land from rural land.

Establishment and change of urban growth boundaries shall be a cooperative process among cities, counties and, where applicable, regional governments.

An urban growth boundary and amendments to the boundary shall be adopted by all cities within the boundary and by the county or counties within which the boundary is located, consistent with intergovernmental agreements, except for the Metro regional urban growth boundary established pursuant to ORS chapter 268, which shall be adopted or amended by the Metropolitan Service District.

Land Need

Establishment and change of urban growth boundaries shall be based on the following:

- (1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and
- (2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2). In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need.

Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

Boundary Location

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS

197.298 and with consideration of the following factors:

- (1) Efficient accommodation of identified land needs;

- (2) Orderly and economic provision of public facilities and services;
- (3) Comparative environmental, energy, economic and social consequences; and
- (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

FINDINGS:

The City of Damascus lies within Metro's previously acknowledged urban growth boundary, and as such, this Plan need not address those portions of Goal 14 which relate to the establishment or amendment of a UGB. Because the City includes urban and urbanizable land, this Plan must address Goal 14 requirements which address transition from urbanizable to urban uses.

Urbanizable Land

Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services. Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.

GUIDELINES

A. PLANNING

1. Plans should designate sufficient amounts of urbanizable land to accommodate the need for further urban expansion, taking into account
 - (1) the growth policy of the area;
 - (2) the needs of the forecast population;
 - (3) the carrying capacity of the planning area; and
 - (4) open space and recreational needs.
2. The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.
3. Plans providing for the transition from rural to urban land use should take into consideration as to a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

4. Comprehensive plans and implementing measures for land inside urban growth boundaries should encourage the efficient use of land and the development of livable communities.

FINDINGS:

The intent of the Damascus Comprehensive Plan and implementing measures is that it will encourage efficient use of land within the City and that it will provide for the development of livable community.

B. IMPLEMENTATION

1. The type, location and phasing of public facilities and services are factors which should be utilized to direct urban expansion.

2. The type, design, phasing and location of major public transportation facilities (i.e., all modes: air, marine, rail, mass transit, highways, bicycle and pedestrian) and improvements thereto are factors which should be utilized to support urban expansion into urbanizable areas and restrict it from rural areas.

3. Financial incentives should be provided to assist in maintaining the use and character of lands adjacent to urbanizable areas.

4. Local land use controls and ordinances should be mutually supporting, adopted and enforced to integrate the type, timing and location of public facilities and services in a manner to accommodate increased public demands as urbanizable lands become more urbanized.

5. Additional methods and devices for guiding urban land use should include but not be limited to the following:

- (1) tax incentives and disincentives;
- (2) multiple use and joint development practices;
- (3) fee and less-than-fee acquisition techniques; and
- (4) capital improvement programming.

6. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.

FINDINGS

- a. **The City of Damascus lies within Metro's previously acknowledged urban growth boundary, and as such, this Plan does not address those portions of Goal 14 which relate to the establishment or amendment of a UGB. Because the City includes urban and urbanizable land, this Plan must address Goal 14 requirements which address transition from urbanizable to urban uses.**

- b. The Development Code manages the use and division of the land within the UGB in Damascus to maintain its potential for planned urban development until appropriate public facilities and services are available.

The Development Code *17.403 Land Divisions and Lot Line Adjustments* requires as a condition to partitions and sub-division that appropriate public facilities be provided to all created lots or parcels. The exception to the public facility concurrency requirement is the interim development standards. *Interim Development when Public Sewer or Water are Not Available (17.403.020)* is intended to allow reasonable land divisions while also preserving land in parcels large enough to help assure the opportunity for future urbanization. The Code requires, as a condition of approval, a Re-Division Plan where lots are of such size, shape, and orientation as to demonstrate and facilitate future re-division in accordance with the requirements of the land use zone. All structures are required to be sited to conform to the setback standards on identified future lots. Lots are required to be an acre and larger, demonstrate well/sewer acceptability to the County Sanitarian, Oregon Health Authority, and Oregon Department of Water Resources.

- c. The Development Code *17.304.010 Public Facilities Standards* provides the following regulation: “No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code and adopted City requirements for public facility provision, including those implemented through intergovernmental agreements with service providers.” Public Facilities required are transportation facilities, dedication of public use areas, sanitary sewer and water service improvements, storm drainage improvements and utilities. The following goals and policies in the Comprehensive Plan address the provision of adequate infrastructure to support urban development, special considerations for development, the protection of natural resources, and the planning and financing of public facilities.

Comprehensive Plan Goals and Policies for Goal 14: Urbanization

Chapter 3, Section 1 of the Comprehensive Plan addresses Public Facilities

Goal: Damascus is to provide for a timely, orderly, and an efficient arrangement of public facilities and services allowing a framework for community growth.

Policy 1: Require all new development within the City limits to be connected to sanitary sewers, except those that can be provided with acceptable subsurface disposal systems if a sewer is not available or service is impractical. These systems shall be adequate to protect the health, safety and welfare of the community and incorporate best management practices.

Policy 2: Require new development to pay its fair share of the cost of public facilities so existing resident and tax payers do not pay an unfair amount for services.

Policy 4: Coordinate with public facility service providers to plan adequate services to

support urban development in a timely manner. Require all new development within the City limits to be connected to water service providers, except those that can be provided with new or existing on-side well systems and if water service is not available or service is impractical.

Appendices:

The following City documents guide and implement policies regarding public facilities and services in the community:

Integrated Water Management Capital Plans, Transportation Systems Plan, Damascus Development Code (Article 18) and Zoning Map

URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

REGIONAL FUNCTIONAL PLAN REQUIREMENTS

3.07.120 Housing Capacity

A. A city or county may reduce the minimum zoned capacity of the Central City or a Regional Center, Town Center, Corridor, Station Community or Main Street under subsection D or E. A city or county may reduce its minimum zoned capacity in other locations under subsections C, D or E.

B. Each city and county shall adopt a minimum dwelling unit density for each zone in which dwelling units are authorized except for zones that authorize mixed-use as defined in section 3.07.1010(hh). If a city or county has not adopted a minimum density for such a zone prior to March 16, 2011, the city or county shall adopt a minimum density that is at least 80 percent of the maximum density.

C. A city or county may reduce its minimum zoned capacity by one of the following actions if it increases minimum zoned capacity by an equal or greater amount in other places Effective 01/18/12 3.07 - 6 of 129 where the increase is reasonably likely to be realized within the 20-year planning period of Metro's last capacity analysis under ORS 197.299:

1. Reduce the minimum dwelling unit density, described in subsection B, for one or more zones;
2. Revise the development criteria or standards for one or more zones; or
3. Change its zoning map such that the city's or county's minimum zoned capacity would be reduced. Action to reduce minimum zoned capacity may be taken any time within two years after action to increase capacity.

D. A city or county may reduce the minimum zoned capacity of a zone without increasing minimum zoned capacity in another zone for one or more of the following purposes:

1. To re-zone the area to allow industrial use under Title 4 of this chapter or an educational or medical facility similar in scale to those listed in section 3.07.1340D(5)(b)(i) of Title 13 of this chapter; or
2. To protect natural resources pursuant to Titles 3 or 13 of this chapter.

E. A city or county may reduce the minimum zoned capacity of a single lot or parcel so long as the reduction has a negligible effect on the city's or county's overall minimum zoned residential capacity.

F. A city or county may amend its comprehensive plan and land use regulations to transfer minimum zoned capacity to another city or county upon a demonstration that:

1. A transfer between designated Centers, Corridors or Station Communities does not result in a net reduction in the minimum zoned capacities of the Centers, Corridors or Station Communities involved in the transfer; and
2. The increase in minimum zoned capacity is reasonably likely to be realized within the 20-year planning period of Metro's last capacity analysis under ORS 197.299

G. A city or county shall authorize the establishment of at least one accessory dwelling unit for each detached single family dwelling unit in each zone that authorizes detached single-family dwellings. The authorization may be subject to reasonable regulation for siting and design purposes

FINDINGS:

The Damascus Development Code and Zoning Map establish minimum dwelling unit densities for the residential and districts in the city. DMC Table 17.201.030A contains the development standards for the residential zones allowing urban development. The standards include minimum and maximum residential densities for new partitioned or subdivided lots or multifamily development of three or fewer dwelling units on a single property. The minimum density for Neighborhood Low is 4 dwelling units per acre and Neighborhood Medium is 8 dwelling units per acre. The code makes exception for sloped land greater than 25% and in the Title 3 riparian setbacks where there is no minimum density requirement. Another exception the density requirements are provisions for interim development. DMC 17.403.020C allows for interim development in areas where public water and sewer are not available with the condition that a future re-division plan is submitted with the subdivision or partition application. The City requires the re-division plan lots be such size, shape and orientation as to demonstrate and facilitate future re-division in accordance with the requirements of the land use zone. All structures are required to be sited so as to conform to setback standards on identified future lots. A development agreement is required committing the property owner, developer and subsequent owners adherence to the re-division plan. Serial partitioning is prohibited. Furthermore, Senior Housing is allowed as a conditional use in the Neighborhood Low and Neighborhood Medium zones (Table 17.201.020.A), and a permitted use in the Neighborhood Commercial, Village, and Center zones (Table 17.202.020.A). There is no maximum housing density in any zone for Senior Housing which will create increased opportunities for Damascus to have an overall density greater than stated in the Housing Needs Analysis.

Therefore the adopted Comprehensive Plan and implementing ordinances are consistent with this section.

DMC Table 17.201.020A in the Development Code states that one attached or detached accessory dwelling unit is permitted per property in all three residential zones (LN, NL, NM). Therefore, the adopted Comprehensive Plan is consistent with this section.

At this time, the City is not proposing to transfer any housing capacity to any other jurisdiction within the region. Therefore this section is not applicable.

TITLE 3: WATER QUALITY AND FLOOD MANAGEMENT

3.07.310 Intent

To protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.

3.07.320 Applicability

A. Title 3 applies to:

1. Development in Water Quality Resource and Flood Management Areas.
2. Development which may cause temporary or permanent erosion on any property within the Metro Boundary.

B. Title 3 does not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that after the emergency has passed, adverse impacts are mitigated in accordance with the performance standards in Section 3.07.340.

3.07.330 Implementation Alternatives for Cities and Counties

A. Cities and counties shall comply with this title in one of the following ways:

1. Amend their comprehensive plans and implementing ordinances to adopt all or part of the Title 3 Model Ordinance or code language that substantially complies with the performance standards in Section 3.07.340 and the intent of this title, and adopt either the Metro Water Quality and Flood Management Area Map or a map which substantially complies with the Metro map.

3.07.330 Implementation Alternatives for Cities and Counties

A. Cities and counties shall comply with this title in one of the following ways:

1. Amend their comprehensive plans and implementing ordinances to adopt all or part of the Title 3 Model Ordinance or code language that substantially complies with the performance standards in Section 3.07.340 and the intent of this title, and adopt either the Metro Water Quality and Flood Management Area Map or a map which substantially complies with the Metro map. Cities and counties may choose one of the following

options for applying this section:

a. Adopt code language implementing this title which prevails over the map and uses the map as reference; or

b. Adopt a city or county field verified map of Water Quality and Flood Management Areas based on the Metro Water Quality and Flood Management map, updated according to Section 3.07.370, implementing this title which prevails over adopted code language.

Field verification is a process of identifying or delineating Protected Water Features, Water Quality Resource Areas and Flood Management Areas shown on the Metro Water Quality and Flood Management Areas map. This process includes examination of information such as site visit reports, wetlands inventory maps, aerial photographs, and public input and review. The field verification process shall result in a locally adopted Water Quality and Flood Management Areas map which:

- i. Applies the Title 10 definitions of Protected Water Feature, Water Quality Resource Areas and Flood Management Areas to all those protected areas on the Metro Water Quality and Flood Management Areas map to show the specific boundaries of those protected areas on the locally adopted Water Quality and Flood Management Areas map; and
- ii. Is subject to amendment by applying adopted code language to add Protected Water Features, Water Quality Resource Areas and Flood Management Areas and to correct errors in the local Water Quality and Flood Management Areas map as required by Section 3.07.370 and consistent with Section 3.07.330(D).

Demonstrate that existing city and county comprehensive plans and implementing ordinances substantially comply with the performance standards in Section 3.07.340 and the intent of this title.

Any combination of (1) and (2) above that substantially complies with all performance standards in Section 3.07.340.

B. Cities and counties shall hold at least one public hearing prior to adopting comprehensive plan amendments, ordinances and maps implementing the performance standards in Section 3.07.340 of this title or demonstrating that existing city or county comprehensive plans and implementing ordinances substantially comply with Section 3.07.340, to add Protected Water Features, and wetlands which meet the criteria in Section 3.07.340(E)(3), to their Water Quality and Flood Management Area map. The proposed comprehensive plan amendments, implementing ordinances and maps shall be available for public review at least 45 days prior to the public hearing.

C. Cities and counties shall conduct a review of their Water Quality and Flood Management Areas map concurrent with local periodic review required by ORS 197.629.

D. Some areas which would otherwise be mapped as Protected Water Features, Water Quality Resource Areas and Flood Management Areas do not appear on the Metro Water Quality and Flood Management Areas map because streams had been culverted, wetlands had been filled or a fill permit had been approved, or the area was demonstrated to have existing conflicting water dependent uses, or existing plans or agreements for such uses, or the area was

developed or committed to other uses.

Notwithstanding any other provision of this title, cities and counties are not required to establish Protected Water Features, Water Quality Resource Areas and Flood Management Areas through adopted code provisions or mapping for areas which were examined but not included on the Water Quality and Flood Management Areas map adopted by the Metro Council.

FINDINGS

The Comprehensive Plan and implementing ordinances (Development Code and Zoning Map) adopt code language that substantially complies with all the performance standards in Section 3.07.340 and the intent of this title, as well as adopt the City of Damascus Natural Resources Map that substantially complies with the Metro Water Quality and Flood Management Area Map.

The City, has adopted, as part of the Comprehensive Plan, a Natural Resources Map which is a verified map of Water Quality and Flood Management Areas based on the Metro Water Quality and Flood Management map and prevails over adopted code language. The process the city used to develop the map is outlined in the *City of Damascus Title 3 Mapping Process & Methodology: An Analysis and Review* which is located in Appendix A of the Damascus Natural Features Inventory. A summary of the Title 3 mapping methodology is outlined below: In August of 2012, Clackamas County GIS Division, under direction and contract with the City of Damascus, started to build a Title 3 Map based on the field-analysis standards that are outlined in “Table 3.07-3 — Protected Water Features” and “Proposed Method for Determining Vegetated Corridors Next to Primary Protected Water Features” figures.

Clackamas County GIS and Damascus created a substantially more detailed Title 3 map that provides a reasonably precise depiction of the location and extent of Title 3 resources, beyond that of the original Title 3 mapping. As described in detail in the *Title 3 Mapping Process & Methodology: An Analysis and Review*, Title 3 resources have been inventoried using the City’s Goal 5 inventory and Metro Title 3 data, then the location, drainage area and categorization of resources has been identified and refined, using LIDAR, contour data and aerial photography. From there, the width and extent of the corresponding vegetated corridors / buffers has been calculated in a manner that reflects the methodology outlined in Title 3 and the Title 3 Model Ordinance.

Adopted as part of the Comprehensive Plan is the Zoning Map with the Flood Hazard Overlay that applies to all areas of special flood hazard on the FEMA FIRM maps and to flood management areas on the Metro Title 3 Flood Management Areas Map.

The Development Code language implementing this title in Section 17.309 Natural Resources Protection prevails over the Natural Resources Map and uses the map as reference. The code language states protected water features include streams,

wetlands, natural lakes, springs, and rivers. The general location of the Protected Water Feature is indicated on the Natural Resource Map; however, the text provisions of Section 17.309.030 shall be used to determine the exact location. The code language also states that Metro's UGMFP Title 3 Water Quality Resource Area Maps may be used as references for identifying areas subject to the natural resources protection standards.

DMC 17.309.020 Natural Resource Protection Standards regulate stream and wetlands for all land development subject to protection standards for water quality and fish and wildlife conservation established in the Natural Resources Protection chapter of the Code.

DMC Section 17.309 Natural Resources. Riparian Corridor contains stream and wetland setback standards that substantially comply with the performance standards of Title 3.

DMC Section 17.206 Flood Hazard Overlay contains the flood management performance standards that substantially comply with the performance standards for Title 3.

DMC Natural Resources Standards 17.309 and in the DMC Chapter 16.28 Erosion Control contain the erosion control performance standards that comply with the performance standards for Title 3.

The City of Damascus held public hearings on the Comprehensive Plan and Map (and supporting documents), Development Code and Zoning Map on June 13-19 2013. The proposed Comprehensive Plan amendments, implementing ordinances and maps were available for public review at least 45 days prior to the first public hearing. The Council did not adopt the Comprehensive Plan and formed two working groups that would recommend changes to the 2013 Comprehensive Plan that was used as the base document. The Mayor's working group held additional public meetings in December 2013 and January 2014. All meetings were public meetings and documents were available for review.

3.07.340 Performance Standards

A. Flood Management Performance Standards.

1. The purpose of these standards is to reduce the risk of flooding, prevent or reduce risk to human life and property, and maintain functions and values of flood-plains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems.

FINDINGS

Compliance with the Flood Management Performance Standards can be found in the Damascus Development Code 17.206 Flood Hazard Overlay and the Damascus

Municipal Code Section 18.04.160 contains standards for Flood Hazard Regulations

2. All development, excavation and fill in the Flood Management Areas shall conform to the following performance standards:

a. Development, excavation and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.

FINDINGS

DMC 17.206.070.A address how land form alterations shall preserve or enhance the floodplain storage function and maintenance of the zero-foot rise floodway shall not result in any encroachments.

b. All fill placed at or below the design flood elevation in Flood Management Areas shall be balanced with at least an equal amount of soil material removal.

FINDINGS

DMC 17.206.070.C addresses that alteration or development is permitted to occur within the floodplain it will not result in any increase in the water surface elevation of the 100-year flood plain.

c. Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.

FINDINGS

DMC Section 18.04.150.F.2.c addresses that any excavation below bankful state shall not count toward compensating for fill.

d. Minimum finished floor elevations for new habitable structures in the Flood Management Areas shall be at least one foot above the design flood elevation.

FINDINGS

DMC Section 17.206.060.L.1 addresses that new construction and substantial improvement of any residential structure, including manufactured homes, shall

have the lowest floor, including the basement, elevated at least one foot above base flood elevation.

e. Temporary fills permitted during construction shall be removed.

FINDINGS

DMC Section 18.04.150.F.2.e addresses temporary fills permitted during construction shall be removed at the end of construction.

f. Uncontained areas of hazardous materials as defined by DEQ in the Flood Management Area shall be prohibited.

FINDINGS

3. The following uses and activities are not subject to the requirements of subsection 2:

a. Excavation and fill necessary to plant new trees or vegetation.

FINDINGS

DMC Section 17.205.040 exempts the planting of native plant species 100-Year Floodplain as development

b. Excavation and fill required for the construction of detention facilities or structures, and other facilities such as levees specifically designed to reduce or mitigate flood impacts. Levees shall not be used to create vacant buildable lands.

FINDINGS

DMC Section 18.04.150.F.2.g contains language that addresses this requirement verbatim.

c. New culverts, stream crossings, and transportation projects may be permitted if designed as balanced cut and fill projects or designed to not significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in Flood Management Areas and to minimize erosive velocities. Stream crossing shall be as close to perpendicular to the stream as

practicable. Bridges shall be used instead of culverts wherever practicable.

FINDINGS

DMC Section 18.04.150.F.2.f contains language that addresses this requirement verbatim.

B. Water Quality Performance Standards.

1. The purpose of these standards is to: (1) protect and improve water quality to support the designated beneficial water uses as defined in Title 10, and (2) protect the functions and values of the Water Quality Resource Area which include, but are not limited to:

- a. Providing a vegetated corridor to separate Protected Water Features from development;
- b. Maintaining or reducing stream temperatures;
- c. Maintaining natural stream corridors;
- d. Minimizing erosion, nutrient and pollutant loading into water;
- e. Filtering, infiltration and natural water purification; and
- f. Stabilizing slopes to prevent landslides contributing to sedimentation of water features.

2. Local codes shall require all development in Water Quality Resource Areas to conform to the following performance standards:

a. The Water Quality Resource Area is the vegetated corridor and the Protected Water Feature. The width of the vegetated corridor is specified in Table 3.07-3. At least three slope measurements along the water feature, at no more than 100-foot increments, shall be made for each property for which development is proposed. Depending on the width of the property, the width of the vegetated corridor will vary

FINDINGS

DMC Section 17.309.090 Riparian Corridor Map provides the regulations and direction of establishing the vegetated corridor that is specified in Table 3.07-3. It states that at least three slope measurements along the water feature, at no more than one hundred foot increments, shall be made for each property for which development is proposed.

b. Water Quality Resource Areas shall be protected, maintained, enhanced or restored as

specified in Section 3.07.340(B)(2).

c. Prohibit development that will have a significant negative impact on the functions and values of the Water Quality Resource Area, which cannot be mitigated in accordance with subsection 2(f).

d. Native vegetation shall be maintained, enhanced or restored, if disturbed, in the Water Quality Resource Area. Invasive non-native or noxious vegetation may be removed from the Water Quality Resource Area. Use of native vegetation shall be encouraged to enhance or restore the Water Quality Resource Area. This shall not preclude construction of energy dissipaters at outfalls consistent with watershed enhancement, and as approved by local surface water management agencies.

FINDINGS

DMC Section 17.309.050 establishes prohibited uses and activities in the water quality resource areas that would have a significant impact on the functions and values of the area including development and removal of native vegetation.

DMC Section 17.309.090.C established riparian buffer mitigation standards which contain regulations for the enhancement and restoration of the water quality resource area.

e. Uncontained areas of hazardous materials as defined by DEQ in the Water Quality Resource Area shall be prohibited.

FINDINGS

DMC Section 17.309.050 establishes prohibited uses and activities in the water quality resource areas including uncontained areas of hazardous materials.

f. Cities and counties may allow development in Water Quality Resource Areas provided that the governing body, or its designate, implement procedures which:

i. Demonstrate that no practicable alternatives to the requested development exist which will not disturb the Water Quality Resource Area; and

ii. If there is no practicable alternative, limit the development to reduce the impact associated with the proposed use; and

iii. Where the development occurs, require mitigation to ensure that the functions and values of the Water Quality Resource Area are restored.

FINDINGS

DMC Section 17.309.090C and DMC Section 17.309.12.A contain *riparian buffer mitigation* standards that ensure the values of the water quality resource are restored.

g. Cities and counties may allow development for repair, replacement or improvement of utility facilities so long as the Water Quality Resource Area is restored consistent with Section 3.07.340(B)(2)(d).

FINDINGS

DMC Section 17.309.040 Exempt Uses and Conditioned Activities provides the repair, replacement or improvement of utility facilities.

h. The performance standards of Section 3.07.340(B)(2) do not apply to routine repair and maintenance of existing structures, roadways, driveways, utilities, accessory uses and other development.

FINDINGS

DMC Section 17.309.060 Exempt Uses and Activities exempts from regulation the alteration, repair, and replacement of roads and utilities when no additional incursion into the habitat conservation area (HCA) is proposed.

3. For lots or parcels which are fully or predominantly within the Water Quality Resource Area and are demonstrated to be unbuildable by the vegetative corridor regulations, cities and counties shall reduce or remove vegetative corridor regulations to assure the lot or parcel will be buildable while still providing the maximum vegetated corridor practicable. Cities and counties shall encourage landowners to voluntarily protect these areas through various means, such as conservation easements and incentive programs.

FINDINGS

DMC Section 17.309.130 provides that a new single-family dwellings or the expansion of a single-family dwelling where all of the following apply:

1. The lot was determined to be a legal lot of record and has less than five thousand square feet of buildable land located outside the Natural Resource areas.

2. No more than one single-family house is permitted on the property and no more than three thousand square feet is to be developed by impervious surfaces.

3. The single-family structure is sited in a location, which reduces the impacts to the significant resources to the greatest extent possible based on the following criteria:

a. The location utilizes existing accesses when available; and

b. The development utilizes the methods described in Section 17.309.070 to avoid and minimize development in the Natural Resource areas.

C. Erosion and Sediment Control.

The purpose of this section is to require erosion prevention measures and sediment control practices during and after construction to prevent the discharge of sediments.

Erosion prevention techniques shall be designed to prevent visible and measurable erosion as defined in Title 10.

To the extent erosion cannot be completely prevented, sediment control measures shall be designed to capture, and retain on-site, soil particles that have become dislodged by erosion.

FINDINGS

DMC Section 17.309.070. provides the regulation that erosion and sediment control measures per City standards.

D. Implementation Tools to Protect Water Quality and Flood Management Areas.

1. Cities and counties shall either adopt land use regulations, which authorize transfer of permitted units and floor area to mitigate the effects of development restrictions in Water Quality and Flood Management Areas, or adopt other measures that mitigate the effects of development restrictions.

FINDINGS

DMC Section 17.309.070 allows the Transfer of Development Rights in residential zones and reduces the development pressure on environmentally sensitive properties.

2. Metro encourages local governments to require that approvals of applications for partitions, subdivisions and design review actions be conditioned upon one of the following:

- a. Protection of Water Quality and Flood Management Areas with a conservation easement;
- b. Platting Water Quality and Flood Management Areas as common open space; or
- c. Offer of sale or donation of property to public agencies or private non-profits for preservation where feasible.

FINDINGS

DMC Section 17.309.070 requires Conservation Easements and Tracts when partitioning or subdividing a property with High and Moderate Conservation Areas.

3. Additions, alterations, rehabilitation or replacement of existing structures, roadways, driveways, accessory uses and development in the Water Quality and Flood Management Area may be allowed provided that:

- a. The addition, alteration, rehabilitation or replacement is not inconsistent with applicable city and county regulations, and
- b. The addition, alteration, rehabilitation or replacement does not encroach closer to the Protected Water Feature than the existing structures, roadways, driveways or accessory uses and development, and
- c. The addition, alteration, rehabilitation or replacement satisfies Section 3.07.340(C) of this title.
- d. In determining appropriate conditions of approval, the affected city or county shall require the applicant to:
 - i. Demonstrate that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed; and
 - ii. If no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the Water Quality Resource to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement or rehabilitation; and
 - iii. Provide mitigation to ensure that impacts to the functions and values of the Water Quality Resource Area will be mitigated or restored to the extent practicable.

FINDINGS

DMC Section 17.309.040 Exempt Uses and Conditioned Activities include the maintenance and repair of legally constructed buildings and/or structures when the building footprint is not increased. It also exempts minor encroachment into Water Quality Resource Areas not exceeding 120 square feet of impervious surface such as accessory buildings, eave overhangs, exterior building improvements for access and exiting requirements, or other similar features.

Cities and counties may choose not to apply the Water Quality and Flood Management Area

performance standards of Section 3.07.340 to development necessary for the placement of structures when it does not require a grading or building permit.

Metro encourages cities and counties to provide for restoration and enhancement of degraded Water Quality Resource Areas through conditions of approval when development is proposed, or through incentives or other means.

Cities and counties shall apply the performance standards of this title to Title 3 Wetlands as shown on the Metro Water Quality and Flood Management Areas Map and locally adopted Water Quality and Flood Management Areas maps. Cities and counties may also apply the performance standards of this title to other wetlands.

FINDINGS

DMC Section 17.309.020 outlines the applicability of the Natural Resources regulations.

The regulations apply to activities and uses that require a building, grading, tree removal and/or land use permit on any lot or development site located within a Natural Resource area which includes Class A and B Wildlife Habitat, as mapped on the City's Wildlife Habitat Map as part of the City's Natural Resources Report, Title 3 streams and riparian corridors, and wetlands identified on the City's Local Wetlands Inventory.

Cities and counties shall amend their comprehensive plans and implementing ordinances to provide a process for each of the following:

Amendments to city and county adopted Water Quality and Flood Management Area maps to correct the location of Protected Water Features, Water Quality Resource Areas and Flood Management Areas. Amendments shall be initiated within 90 days of the date the city or county receives information establishing a possible map error.

FINDINGS

DMC Section 17.309.100. provides a process for Habitat Conservation Area verification.. The purpose is to provide a process for acknowledging inaccuracies in the City of Damascus Natural Resources Map and to officially recognize and record the correct location of protected water features within ninety days of receiving information establishing a possible error in the existence or location of a protected water feature.

Modification of the Water Quality Resource Area upon demonstration that the modification will offer the same or better protection of water quality, the Water Quality and Flood Management Area and Protected Water Feature.

Amendments to city and county adopted Water Quality and Flood Management Area maps to add Title 3 Wetlands when the city or county receives significant evidence that a wetland meets any one of the following criteria:

a. The wetland is fed by surface flows, sheet flows or precipitation, and has evidence of flooding during the growing season, and has 60 percent or greater vegetated cover, and is over one-half acre in size;

or the wetland qualifies as having "intact water quality function" under the 1996 Oregon Freshwater Wetland Assessment Methodology; or

b. The wetland is in the Flood Management Area, and has evidence of flooding during the growing season, and is five acres or more in size, and has a restricted outlet or no outlet;

or the wetland qualifies as having "intact hydrologic control function" under the 1996 Oregon Freshwater Wetland Assessment Methodology; or

c. The wetland or a portion of the wetland is within a horizontal distance of less than one-fourth mile from a water body which meets the Department of Environmental Quality definition of "water quality limited water body" in OAR Chapter 340, Division 41.

4. Cities and counties are not required to apply the criteria in Section 3.07.340(E)(3) to water quality or stormwater detention facilities.

FINDINGS

DMC Section 17.309.100 provides a process for verification of natural resources on the property.

3.07.360 Metro Model Ordinance Required

Metro shall adopt a Water Quality and Flood Management Areas Model Ordinance and map. The Model Ordinance shall represent one method of complying with this title. The Model Ordinance shall be advisory, and cities and counties are not required to adopt the Model Ordinance, or any part thereof, to substantially comply with this title. However, cities and counties which adopt the Model Ordinance in its entirety and a Water Quality and Flood Management Areas Map shall be deemed to have substantially complied with the requirements of this title.

FINDINGS

The Comprehensive Plan and the Development Code as adopted substantially comply with Metro's Model ordinance for Title 3, Water Quality and Flood Management Areas and Title 13, Habitat Conservation Areas. The City has adopted Metro's Title 13, Nature in the Neighborhood Model Code.

TITLE 4: INDUSTRIAL AND OTHER EMPLOYMENT AREAS

3.07.410 Purpose and Intent

The Regional Framework Plan calls for a strong economic climate. To improve the region's economic climate, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region's transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Employment Areas, Corridors, Main Streets and Station Communities. The Metro Council will evaluate the effectiveness of Title 4 in achieving these purposes as part of its periodic analysis of the capacity of the urban growth boundary.

3.07.420 Protection of Regionally Significant Industrial Areas

A. Regionally Significant Industrial Areas (RSIAs) are those areas near the region's most significant transportation facilities for the movement of freight and other areas most suitable for movement and storage of goods. Each city and county with land use planning authority over RSIAs shown on the Employment and Industrial Areas Map shall derive specific plan designation and zoning district boundaries of RSIAs within its jurisdiction from the Map, taking into account the location of existing uses that would not conform to the limitations on non-industrial uses in this section and the need to achieve a mix of employment uses.

FINDINGS:

On June 26, 2013, at the City Council Comprehensive Plan public hearing/deliberations, Ray Valone, Metro Principal Planner, stated that Damascus was not required to have any RSIA lands. However, in the planning process, the City identified a total of approximately 233 acres of land that are appropriately designated for RSIA and Industrial use. Consideration was given to existing uses, adjacency to other RSIA lands, landowner development plans and future needs, and development patterns. The locations are generally in conformance with the Metro Title 4, Industrial and Other Employment Areas map, January 2013. The City does not believe that compliance with this section is required.

B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit the size and location of new buildings for retail commercial uses -such as stores and restaurants -and retail and professional services that cater to daily customers – such as financial, insurance, real estate, legal, medical and dental offices -to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 3,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and
2. Training facilities whose primary purpose is to provide training to meet industrial needs.

FINDINGS:

Retail and office uses are limited in size in the Industrial zone as indicated in the Development Code, Section 17.203.020, Table 17.203.020 and standards in 17.203.070(A)(1)(a - d). Retail uses are limited to 3000 square feet of floor space in a single building or 20,000 square feet of combined floor area within a multiple building development. Accessory office use shall not exceed 30% of total floor area within a project site.

C. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit the siting and location of new buildings for the uses described in subsection B and for non-industrial uses that do not cater to daily customers—such as banks or insurance processing centers—to ensure that such uses do not reduce off-peak performance on Main Roadway Routes and Roadway Connectors shown on Metro’s Freight Network Map, November, 2003, below standards set in the 2004 Regional Transportation Plan or require added road capacity to prevent falling below the standards.

D. No city or county shall amend its land use regulations that apply to lands shown as RSIA on the Employment and Industrial Areas Map to authorize uses described in subsection B that were not authorized prior to July 1, 2004.

FINDINGS:

The size limitations discussed in the findings above reasonably preclude the use of Industrial sites for processing centers.

Per Development Code Section 17.102, Definitions, “The Industrial Zone (I) is intended to meet the requirements of Metro’s Title 4 requirements for Regionally Significant Industrial Areas (RSIA) provide suitable locations for heavy industrial uses (e.g., raw materials processing; and manufacturing, assembly, packaging or distribution of heavy or large goods) that would not otherwise be compatible in other zones. These lands are designated as Regionally Significant Industrial Areas due to their size, availability of nearby utilities, or their proximity to a major transportation route.” Section 17.203.020 of the Development Code contains the list of allowed, accessory, and conditional uses.

E. No city or county shall amend its land use regulations that apply to lands shown as RSIA on the Employment and Industrial Areas Map to authorize uses described in subsection B that were not authorized prior to July 1, 2004.

F. Cities and counties may allow division of lots or parcels into smaller lots or parcels as follows:

1. Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.
2. Lots or parcels 50 acres or larger may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.
3. Lots or parcels 50 acres or larger, including those created pursuant to paragraph 2 of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use, and no portion has been developed, or is proposed to be developed, with uses described in subsection B of this section.
4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:
 - a. To provide public facilities and services;
 - b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
 - c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
 - d. To allow the creation of a lot solely for financing purposes when the created lot is part of a master planned development.
- G. Notwithstanding subsection B of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 20 percent more floor area and 10 percent more land area. Notwithstanding subsection E of this section, a city or county may allow division of lots or parcels pursuant to a master plan approved by the city or county prior to July 1, 2004.

FINDINGS:

The City's lot size requirements and other dimensional standards are located in the Development Code, Section 17.203.070 (A)(2)(a-e). The non-conforming use standards are in 17.407, which allow such uses to continue, barring discontinuation or abandonment, and prohibit expansion of such uses and structures. They are consistent with E and F, above.

The City's subdivision regulations are contained in DMC 17.403, which specifies the criteria for land divisions in all zones. Site design requirement in DMC 17.401 provide standards for phased development, such as master planned developments. The City does not have a separate Master Planning ordinance at this time.

3.07.430 Protection of Industrial Areas

A. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses—such as stores and restaurants—and retail and professional services that cater to daily customers—such as financial, insurance, real estate, legal, medical and dental offices—in order to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and
2. Training facilities whose primary purpose is to provide training to meet industrial needs.

FINDINGS:

Retail and office uses are limited in size in the Industrial zone as indicated in the Development Code, Section 17.203.020. Uses are in Table 17.203.020, with standards in 17.203.070(A)(1)(a - d). Retail uses are limited to 3,000 square feet of floor space in a single building or 20,000 square feet of combined floor area within a multiple building development. Accessory office use shall not exceed 30% of total floor area within a project site.

B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for the uses described in subsection A to ensure that they do not interfere with the efficient movement of freight along Main Roadway Routes and Roadway Connectors shown on Metro's Freight Network Map, November, 2003. Such measures may include, but are not limited to, restrictions on access to freight routes and connectors, siting limitations and traffic thresholds. This subsection does not require cities and counties to include such measures to limit new other buildings or uses.

FINDINGS:

Community Design Standards in DMC 17.300 and site design criteria DMC 17.401 all ensure that development is subject to standards that help ensure developments do not interfere with the efficient movement of freight along the highways. Traffic studies are required that address access management and impacts. Access permits are required for all new developments. Impacts will be reviewed at the time of Site Design Review.

C. No city or county shall amend its land use regulations that apply to lands shown as Industrial Area on the Employment and Industrial Areas Map to authorize uses described in subsection A of this section that were not authorized prior to July 1, 2004.

FINDINGS:

Not applicable.

D. Cities and counties may allow division of lots or parcels into smaller lots or parcels as follows:

1. Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.
2. Lots or parcels larger than 50 acres may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.
3. Lots or parcels 50 acres or larger, including those created pursuant to paragraph (2) of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use, and no portion has been developed, or is proposed to be developed with uses described in subsection A of this section.
4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:
 - a. To provide public facilities and services;
 - b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;
 - c. To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or
 - d. To allow the creation of a lot solely for financing purposes when the created lot is part of a master planned development.

FINDINGS:

The City's lot size requirements and other dimensional standards are located in the Development Code, Section 17.203.070 (A)(2)(a-e). The non-conforming use standards are in 17.407, which allow such uses to continue, barring discontinuation or abandonment, and prohibit expansion of such uses and structures. They are consistent with E and F, above.

The City's subdivision regulations are contained in DMC 17.403, which specifies the criteria for land divisions in all zones. Site design requirement in DMC 17.401 provide standards for phased development, such as master planned developments. The City does not have a separate Master Planning ordinance at this time.

E. Notwithstanding subsection B of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 20 percent more floor space and 10 percent more land area.

FINDINGS:

The non-conforming use standards are in DMC 17.407, which allow such uses to continue, barring discontinuation or abandonment, and prohibit expansion of such uses and structures.

3.07.440 Protection of Employment Areas

A. Except as provided in subsections C, D and E, in Employment Areas mapped pursuant to Metro Code section 3.07.450, cities and counties shall limit new and expanded commercial retail uses to those appropriate in type and size to serve the needs of businesses, employees and residents of the Employment Areas.

B. Except as provided in subsections C, D and E, a city or county shall not approve a commercial retail use in an Employment Area with more than 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.

C. A city or county whose zoning ordinance applies to an Employment Area and is listed on Table 3.07-4 may continue to authorize commercial retail uses with more than 60,000 square feet of gross leasable area in that zone if the ordinance authorized those uses on January 1, 2003.

FINDINGS:

In Table 17.203.020, Land Uses Allowed in the Employment/Industrial Zones, retail sales and service up to 20,000 square feet of floor area is permitted outright. If a proposal is for greater than 20,000 square feet, a conditional use review is necessary. Existing commercial uses in proposed Employment zones have been in place since prior to 2003, but none exceeds 60,000 square feet in floor area. All sites exist on either State Highway 212 or 224.

Currently there is not a maximum square footage for retail use in the Employment zone in the Development Code. No City ordinance authorizing greater than 60,000 square feet commercial uses existed on January 1, 2003. Clackamas County zoning applied to these sites until [date of adoption of the CP/DC]

D. A city or county whose zoning ordinance applies to an Employment Area and is not listed on Table 3.07-4 may continue to authorize commercial retail uses with more than 60,000 square feet of gross leasable area in that zone if:

1. The ordinance authorized those uses on January 1, 2003;

2. Transportation facilities adequate to serve the commercial retail uses will be in place at the time the uses begin operation; and

3. The comprehensive plan provides for transportation facilities adequate to serve other uses planned for the Employment Area over the planning period.

E. A city or county may authorize new commercial retail uses with more than 60,000 square feet of gross leasable area in Employment Areas if the uses:

1. Generate no more than a 25 percent increase in site-generated vehicle trips above permitted non-industrial uses; and
2. Meet the Maximum Permitted Parking – Zone A requirements set forth in Table 3.07-2 of Title 2 of the Urban Growth Management Functional Plan.

FINDINGS:

Community Design Standards in DMC 17.300, site design criteria DMC 17.401, and transportation access standards in DMC 17.301.020 all ensure that development is subject to standards that help ensure developments comply with maximum parking requirements. Traffic studies are required that assess vehicle trip increases and impacts, consistent with the City TSP and Development Code. Impacts will be reviewed at the time of Site Design Review.

3.07.450 Employment and Industrial Areas Map

A. The Employment and Industrial Areas Map is the official depiction of the boundaries of Regionally Significant Industrial Areas, Industrial Areas and Employment Areas.

B. If the Metro Council adds territory to the UGB and designates all or part of the territory Regionally Significant Industrial Area, Industrial Area or Employment Area, after completion of Title 11 planning by the responsible city or county, the Chief Operating Officer shall issue an order to conform the map to the boundaries established by the responsible city or county. The order shall also make necessary amendments to the Habitat Conservation Areas Map, described in Section 3.07.1320 of Title 13 of this chapter, to ensure implementation of Title 13.

C. A city or county may amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by Title 4 upon a demonstration that:

1. The property is not surrounded by land designated on the map as Industrial Area, Regionally Significant Industrial Area or a combination of the two;
2. The amendment will not reduce the jobs capacity of the city or county below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan, or the amount of the reduction is replaced by separate and concurrent action by the city or county;
3. If the map designates the property as Regionally Significant Industrial Area, the subject property does not have access to specialized services, such as redundant electrical power or industrial gases, and is not proximate to freight loading and unloading facilities, such as

trans-shipment facilities;

4. The amendment would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan ("RTP"), or exceed volume-to-capacity ratios on Table 7 of the 1999 Oregon Highway Plan for state highways, unless mitigating action is taken that will restore performance to RTP and Oregon Highway Plan ("OHP") standards within two years after approval of uses;

5. The amendment would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas; and

6. If the map designates the property as Regionally Significant Industrial Area, the property subject to the amendment is ten acres or less; if designated Industrial Area, the property subject to the amendment is 20 acres or less; if designated Employment Area, the property subject to the amendment is 40 acres or less.

D. A city or county may also amend its comprehensive plan or zoning regulations to change its designation of land on the Employment and Industrial Areas Map in order to allow uses not allowed by Title 4 upon a demonstration that:

1. The entire property is not buildable due to environmental constraints; or

2. The property borders land that is not designated on the map as Industrial Area or Regionally Significant Industrial Area; and

3. The assessed value of a building or buildings on the property, built prior to March 5, 2004, and historically occupied by uses not allowed by Title 4, exceeds the assessed value of the land by a ratio of 1.5 to 1.

E. The Chief Operating Officer shall revise the Employment and Industrial Areas Map by order to conform to an amendment made by a city or county pursuant to subsection C of this section within 30 days after notification by the city or county that no appeal of the amendment was filed pursuant to ORS 197.825 or, if an appeal was filed, that the amendment was upheld in the final appeal process.

F. After consultation with Metropolitan Policy Advisory Committee, the Council may issue an order suspending operation of subsection C in any calendar year in which the cumulative amount of land for which the Employment and Industrial Areas Map is changed during that year from Regionally Significant Industrial Area or Industrial Area to Employment Area or other 2040 Growth Concept design type designation exceeds the industrial land surplus. The industrial land surplus is the amount by which the current supply of vacant land designated Regionally Significant Industrial Area and Industrial Area exceeds the 20-year need for industrial land, as determined by the most recent "Urban Growth Report: An Employment Land Need Analysis", reduced by an equal annual increment for the number of years since the report.

G. The Metro Council may amend the Employment and Industrial Areas Map by ordinance at

any time to make corrections in order to better achieve the policies of the Regional Framework Plan.

H. Upon request from a city or a county, the Metro Council may amend the Employment and Industrial Areas Map by ordinance to consider proposed amendments that exceed the size standards of paragraph 6 of subsection C of the section. To approve an amendment, the Council must conclude that the amendment:

1. Would not reduce the jobs capacity of the city or county below the number shown on Table 3.07-1 of Title 1 of the Urban Growth Management Functional Plan;
2. Would not allow uses that would reduce off-peak performance on Major Roadway Routes and Roadway Connectors shown on Metro's 2004 Regional Freight System Map below standards in the Regional Transportation Plan ("RTP"), or exceed volume-to-capacity ratios on Table 7 of the 1999 Oregon Highway Plan ("OHP") for state highways, unless mitigating action is taken that will restore performance to RTP and OHP standards within two years after approval of uses;
3. Would not diminish the intended function of the Central City or Regional or Town Centers as the principal locations of retail, cultural and civic services in their market areas;
4. Would not reduce the integrity or viability of a traded sector cluster of industries;
5. Would not create or worsen a significant imbalance between jobs and housing in a regional market area; and
6. If the subject property is designated Regionally Significant Industrial Area, would not remove from that designation land that is especially suitable for industrial use due to the availability of specialized services, such as redundant electrical power or industrial gases, or due to proximity to freight transport facilities, such as trans-shipment facilities.

I. Amendments to the Employment and Industrial Areas Map made in compliance with the process and criteria in this section shall be deemed to comply with the Regional Framework Plan.

J. The Council may establish conditions upon approval of an amendment to the Employment and Industrial Areas Map under subsection F to ensure that the amendment complies with the Regional Framework Plan and state land use planning laws.

K. By January 31 of each year, the Chief Operating Officer (COO) shall submit a written report to the Council and the Metropolitan Policy Advisory Committee on the cumulative effects on employment land in the region of the amendments to the Employment and Industrial Areas Map made pursuant to this section during the preceding year. The report shall include any recommendations the COO deems appropriate on measures the Council might take to address the effects.

FINDINGS:

Not applicable. If amendments are made subsequent to the adoption of the Comprehensive Plan, this section will be applicable.

Conclusions: Based upon the City's allocation of adequate land for employment and industrial uses, protective Development Code standards and exemption by Metro from the RSIA land requirements, we believe the City is in substantial compliance with Title 4.

Title 6: Centers, Corridors, Station Communities and Main Streets

3.07.610 Purpose

The Regional Framework Plan identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval. (Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 98-721A, Sec. 1; Ordinance No. 02-969B, Sec. 7; and Ordinance No. 10-1244B, Sec. 5).

3.07.620 Actions and Investments in Centers, Corridors, Station Communities and Main Streets

A. In order to be eligible for a regional investment in a Center, Corridor, Station Community or Main Street, or a portion thereof, a city or county shall take the following actions:

1. Establish a boundary for the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection B;
2. Perform an assessment of the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection C; and
3. Adopt a plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street, or portion thereof, pursuant to subsection D.

B. The boundary of a Center, Corridor, Station Community or Main Street, or portion thereof, shall:

1. Be consistent with the general location shown in the RFP except, for a proposed new Station Community, be consistent with Metro's land use final order for a light rail transit project;
2. For a Corridor with existing high-capacity transit service, include at least those segments of the Corridor that pass through a Regional Center or Town Center;
3. For a Corridor designated for future high-capacity transit in the RTP, include the area identified during the system expansion planning process in the RTP; and
4. Be adopted and may be revised by the city council or county board following notice of the proposed boundary action to the Oregon Department of Transportation and to Metro in the manner set forth in subsection A of section 3.07.820 of this chapter.

C. An assessment of a Center, Corridor, Station Community or Main Street, or portion thereof, shall analyze the following:

1. Physical and market conditions in the area;
2. Physical and regulatory barriers to mixed-use, pedestrian-friendly and transit-supportive development in the area;
3. The city or county development code that applies to the area to determine how the code might be revised to encourage mixed-use, pedestrian-friendly and transit supportive development;
4. Existing and potential incentives to encourage mixed use pedestrian-friendly and transit-supportive development in the area; and
5. For Corridors and Station Communities in areas shown as Industrial Area or Regionally Significant Industrial Area under Title 4 of this chapter, barriers to a mix and intensity of uses sufficient to support public transportation at the level prescribed in the RTP.

D. A plan of actions and investments to enhance the Center, Corridor, Station Community or Main Street shall consider the assessment completed under subsection C and include at least the following elements:

1. Actions to eliminate, overcome or reduce regulatory and other barriers to mixed-use, pedestrian-friendly and transit-supportive development;
2. Revisions to its comprehensive plan and land use regulations, if necessary, to allow:
 - a. In Regional Centers, Town Centers, Station Communities and Main Streets, the mix and intensity of uses specified in section 3.07.640; and
 - b. In Corridors and those Station Communities in areas shown as Industrial Area or Regionally Significant Industrial Area in Title 4 of this chapter, a mix and intensity of uses sufficient to support public transportation at the level prescribed in the RTP;
3. Public investments and incentives to support mixed-use pedestrian-friendly and transit-supportive development; and
4. A plan to achieve the non-SOV mode share targets, adopted by the city or county pursuant to subsections 3.08.230A and B of the RTFP, that includes:
 - a. The transportation system designs for streets, transit, bicycles and pedestrians consistent with

Title 1 of the RTFP;

b. A transportation system or demand management plan consistent with section 3.08.160 of the RTFP; and

c. A parking management program for the Center, Corridor, Station Community or Main Street, or portion thereof, consistent with section 3.08.410 of the RTFP.

E. A city or county that has completed all or some of the requirements of subsections B, C and D may seek recognition of that compliance from Metro by written request to the COO.

F. Compliance with the requirements of this section is not a prerequisite to:

1. Investments in Centers, Corridors, Station Communities or Main Streets that are not regional investments; or

2. Investments in areas other than Centers, Corridors, Station Communities and Main Streets.

3.07.630 Eligibility Actions for Lower Mobility Standards and Trip Generation Rates

A. A city or county is eligible to use the higher volume-to-capacity standards in Table 7 of the 1999 Oregon Highway Plan when considering an amendment to its comprehensive plan or land use regulations in a Center, Corridor, Station Community or Main Street, or portion thereof, if it has taken the following actions:

1. Established a boundary pursuant to subsection B of section 3.07.620; and

2. Adopted land use regulations to allow the mix and intensity of uses specified in section 3.07.640.

B. A city or county is eligible for an automatic reduction of 30 percent below the vehicular trip generation rates reported by the Institute of Traffic Engineers when analyzing the traffic impacts, pursuant to OAR 660-012- 0060, of a plan amendment in a Center, Corridor, Main Street or Station Community, or portion thereof, if it has taken the following actions:

1. Established a boundary pursuant to subsection B of section 3.07.620;

2. Revised its comprehensive plan and land use regulations, if necessary, to allow the mix and intensity of uses specified in section 3.07.640 and to prohibit new auto-dependent uses that rely principally on auto trips, such as gas stations, car washes and auto sales lots; and

3. Adopted a plan to achieve the non-SOV mode share targets adopted by the city or county pursuant to subsections 3.08.230A and B of the RTFP, that includes:

a. Transportation system designs for streets, transit, bicycles and pedestrians consistent with

Title 1 of the RTFP;

b. A transportation system or demand management plan consistent with section 3.08.160 of the RTFP; and

c. A parking management program for the Center, Corridor, Station Community or Main Street, or portion thereof, consistent with section 3.08.410 of the RTFP.

3.07.640 Activity Levels for Centers, Corridors, Station Communities and Main Streets

A. A Centers, Corridors, Station Communities and Main Streets need a critical number of residents and workers to be vibrant and successful. The following average number of residents and workers per acre is recommended for each:

1. Central City - 250 persons

2. Regional Centers - 60 persons

3. Station Communities - 45 persons

4. Corridors - 45 persons

5. Town Centers - 40 persons

6. Main Streets - 39 persons

B. Centers, Corridors, Station Communities and Main Streets following mix of uses is recommended for each:

1. The land uses listed in State of the Centers: Investing in Our Communities, January, 2009, such as grocery stores and restaurants;

2. Institutional uses, including schools, colleges, universities, hospitals, medical offices and facilities;

3. Civic uses, including government offices open to and serving the general public, libraries, city halls and public spaces.

C. Centers, Corridors, Station Communities and Main Streets need a mix of housings types to be vibrant and successful. The following mix of housing types is recommended for each:

1. The types of housing listed in the “needed housing” statute, ORS 197.303(1);

2. The types of housing identified in the city's or county's housing need analysis done pursuant to ORS 197.296 or statewide planning Goal 10 (Housing); and

3. Accessory dwellings pursuant to section 3.07.120 of this chapter.

(Ordinance No. 97-715B, Sec. 1. Amended by Ordinance No. 98-721A, Sec. 1;

Ordinance No. 02-969B, Sec. 7; and Ordinance No. 10-1244B, Sec. 5).

FINDINGS:

The 2040 Growth Concept Map designates a Town Center in the area along Highway 212 where it intersects with SE Sunnyside Road, SE Foster Road, and SE 202nd Avenue. The Comprehensive Plan designates a generally corresponding area as "Center," the densest designation in the Plan, which incorporates a mix of commercial and residential uses in a walkable center. The Zoning Map identifies the areas as a "Center" zoning district and the uses and character are regulated in the Development Code. The area designated as the Center on the Zoning map is not as expansive as the area shown on the 2040 Concept Plan Map due to the northwestern side of the Center needing to be zoned employment because of existing employment use land pattern and opportunities. The General Employment designation does allow for limited residential and commercial uses.

The Damascus Buildable Lands Inventory has an assumed residential density between 22 to 40 dwelling units per acre (2.5 persons per dwelling unit) and 30 retail/commercial jobs per acre. Combined, these densities exceed the 40 person per acre recommended in 3.07.640A. The Development Code DMC Section 17.202.020A provides the land use and development regulations for the Center Zone. Residential, commercial, institutional and limited fully enclosed industrial uses are permitted or a conditional use in the Center zone. Residential units are permitted in the Center zone at an assumed density in the HNA of 22 dwelling units per acre. Commercial uses are permitted 100% lot coverage. The housing types permitted in the Center zone are multi-family units in mixed use buildings. Housing units are not permitted on the ground floor. The Damascus Housing Needs Analysis states that Damascus will need to provide multi-family housing. Based on proximity to retail, jobs and transportation, the Center zone is the best place for multi-family development.

The City of Damascus has not taken the actions to make its Center zone eligible for regional investments at this time. Damascus will not be seeking recognition of compliance for regional investment opportunities.

TITLE 7: HOUSING CHOICE

3.07.710 Intent

The Regional Framework Plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress towards increasing the supply of affordable housing. It is the intent of Title 7 to implement these policies of the Regional Framework Plan.

3.07.720 Voluntary Affordable Housing Production Goals

Each city and county within the Metro region should adopt the Affordable Housing Production Goal indicated in Table 3.07-7, as amended over time, as a guide to measure progress toward increasing housing choices and meeting the affordable housing needs of households with incomes between 0% and 50% of the regional median family income.

3.07.730 Requirements for Comprehensive Plan and Implementing Ordinance Changes

Cities and counties within the Metro region shall ensure that their comprehensive plans and implementing ordinances:

- A. Include strategies to ensure a diverse range of housing types within their jurisdictional boundaries.
- B. Include in their plans actions and implementation measures designed to maintain the existing supply of affordable housing as well as increase the opportunities for new dispersed affordable housing within their boundaries.
- C. Include plan policies, actions, and implementation measures aimed at increasing opportunities for households of all income levels to live within their individual jurisdictions in affordable housing.

FINDINGS:

Each city and county within the Metro region has voluntarily adopted an affordable housing production goal. Damascus does not currently have an affordable housing production goal stated in Title 7 but it is probable that the City will adopt a goal in the future. The City has prepared a Housing Needs Analysis (January 2013), which is included by reference in the Comprehensive Plan, and stresses the need for a mixture of housing types and affordability.

The Housing Needs Analysis indicates that Clackamas County has a need for approximately 43,000 low-income housing units (units for households with incomes less than \$36,000). Damascus has an existing need for about 562

housing units affordable to households with income less than \$36,000.

The adopted Comprehensive Plan (2013) includes the Chapter 2, "A Healthy Community," goal directive: *"Damascus strives to establish residential areas that are safe, healthful and attractive places to live, and provides choices and opportunities for people of all income levels and life stages."*

Chapter 2 Housing Policies, include the following:

Policy 1: Encourage flexibility in building and site design to promote safety, livability, and preservation of natural resources.

Policy 2: Create special development standards to ensure transitions between non-residential activities and residential areas where commercial or employment areas are adjacent to residential zoned land.

Policy 3: Ensure that areas developed or designated for multi-family development be compatible with adjoining land uses following design standards that do not detract from the character of existing residential areas.

There are a range of Plan designations, including Legacy Neighborhood, Neighborhood, Village and Center, and zones [Legacy Neighborhood (LN), Neighborhood Low (NL), Neighborhood Medium (NM), Village (V) Neighborhood Commercial (NC) and Center (C)], that allow a range of housing types and densities. Affordability is addressed by not only by a range of housing types allowed, but also by allowing accessory dwelling units in single family zones.

The Development Code and Zoning Map provide the regulations to implement the City's adopted policies. The code specifically addresses maintenance of existing neighborhoods and housing stock by protective compatibility standards in

Section 17.201.010 Residential Zones, Purpose of Individual Zones:

1. The Legacy Neighborhood (LN) Zone accommodates existing and a limited number of new large lot single-family homes. New development will be limited to detached single-family homes on lots similar in size to the existing development in the area.
2. b. The Neighborhood Low (NL) Zone accommodates a residential density of between four and eight dwelling units per acre. The predominant uses are single-family dwellings, accessory dwelling units, duplexes and accessory uses; however, other housing is allowed with specific limitations. Parks, urban agriculture, farms, schools, and other civic and institutional uses are also allowed.
3. The Neighborhood Medium (NM) Zone accommodates detached single-family homes and small-scale multi-family housing, such as duplexes

and townhomes at densities between eight and twenty-two dwelling units per acre. Parks, urban agriculture, schools, and other civic and institutional uses are also allowed.

Section 17.202.010 Mixed Use Zones, Purpose of Individual Zones:

- i. The Center Zone (C) serves as the commercial and civic core of the community. It represents opportunities for mixed-use development, with a variety of commercial and office uses, and high-density housing. The Center also represents opportunities for civic facilities.**
- ii. The Village Zone (V) serve as urban focal points or centers within designated areas. They represent opportunities for a mix of community-oriented businesses such as grocery stores, restaurants, and other small-scale services with higher-density housing and mixed-use development.**
- iii. The Neighborhood Commercial Zone (NC) provides neighborhood goods and services at a smaller scale than the Village Zone and is focused at designated arterial and collector crossroad locations. But also allowed at other locations on the same arterials and collectors.**

3.07.740 Inventory and Progress Reports on Housing Supply

- A. Local governments shall assist Metro in the preparation of a biennial affordable housing inventory by fulfilling the reporting requirements in subsection 3.07.120D of Title 1 (Requirements for Housing and Employment Accommodation) and subsection B of this section.**
- B. Local governments shall report their progress on increasing the supply of affordable housing to Metro on a form provided by Metro, to be included as part of the biennial housing inventory described in subsection A. Local governments shall submit their first progress reports on July 31, 2007, and by April 15 every two years following that date. Local governments may report their progress as part of the capacity reports required by subsection 3.07.120D of Title 1 (Requirements for Housing and Employment Accommodation). Progress reports shall include, at least, the following information:**
 - 1. The number and types of units of affordable housing preserved and income groups served during the reporting period, as defined in Metro's form;**
 - 2. The number and types of units of affordable housing built and income groups served during the reporting period;**
 - 3. Affordable housing built and preserved in Centers and Corridors; and**
 - 4. City or county resources committed to the development of affordable housing, such as fee waivers and property tax exemptions.**

FINDINGS:

This section is not applicable to the Comprehensive Plan. The reportable items

will be provided within one year after the acknowledgement of the Plan and commencement of development within Damascus.

3.07.750 Technical Assistance

Cities and counties are encouraged to take advantage of the programs of technical and financial assistance provided by Metro to help achieve the goal of increased production and preservation of housing choices and affordable housing and to help fulfill the monitoring and reporting requirements of this title.

FINDINGS:

This section is not applicable to the Comprehensive Plan.

TITLE 8: COMPLIANCE PROCEDURES

This Title is procedural in nature and does not establish substantive criteria which must be met by the Comprehensive Plan.

FINDINGS:

Metro has been provided with the requisite notice of the adoption of the Comprehensive Plan, 30 days days prior to the initial evidentiary hearing. Therefore, the City of Damascus complies with this Title.

TITLE 10: FUNCTIONAL PLAN DEFINITIONS

This Title contains definitions applicable to the entire Functional Plan, and does not include any criteria applicable to the adopted Comprehensive Plan.

TITLE 11: PLANNING FOR NEW URBAN AREAS

3.07.1105 Purpose and Intent

The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. It is the purpose of Title 11 to guide such long-range planning for urban reserves and areas added to the UGB. It is also the purpose of Title 11 to provide interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization become applicable to the areas.

3.07.1110 Planning for Areas Designated Urban Reserve

A. The county responsible for land use planning for an urban reserve and any city likely to provide governance or an urban service for the area, shall, in conjunction with Metro and appropriate service districts, develop a concept plan for the urban reserve prior to its addition to the UGB pursuant to sections 3.07.1420, 3.07.1430 or 3.07.1435 of this chapter. The date for completion of a concept plan and the area of urban reserves to be planned will be jointly determined by Metro and the county and city or cities.

B. A local government, in creating a concept plan to comply with this section, shall consider actions necessary to achieve the following outcomes:

1. If the plan proposes a mix of residential and employment uses:
 - a. A mix and intensity of uses that will make efficient use of the public systems and facilities described in subsection C;
 - b. A development pattern that supports pedestrian and bicycle travel to retail, professional and civic services;
 - c. A range of housing of different types, tenure and prices addressing the housing needs in the prospective UGB expansion area in the context of the housing needs of the governing city, the county, and the region if data on regional housing needs are available, in order to help create economically and socially vital and complete neighborhoods and cities and avoiding the concentration of poverty and the isolation of families and people of modest means;
 - d. Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;
 - e. Well-connected systems of streets, bikeways, parks, recreational trails and public transit that link to needed housing so as to reduce the combined cost of housing and transportation;
 - f. A well-connected system of parks, natural areas and other public open spaces;

g. Protection of natural ecological systems and important natural landscape features; and

h. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.

FINDINGS:

The Damascus-Boring Concept Plan was completed in 2006. Only a small portion of the City is designated as urban reserve and identified on the Metro Urban and Rural Reserves Map for Clackamas County as Area 2A. Planning for this area is subject to the inter-local agreement between Metro and Clackamas County. The City has assigned the Comprehensive Plan designation of “Outside UGB” and a zoning designation of Rural Residential Farm Forest-5 (RRFF-5) to Urban Reserve Area 2, which is inside the city limits, but outside the UGB. DMC 17.204 regulates uses this area.

2. If the plan involves fewer than 100 acres or proposes to accommodate only residential or employment needs, depending on the need to be accommodated:

a. A range of housing of different types, tenure and prices addressing the housing needs in the prospective UGB expansion area in the context of the housing needs of the governing city, the county, and the region if data on regional housing needs are available, in order to help create economically and socially vital and complete neighborhoods and cities and avoiding the concentration of poverty and the isolation of families and people of modest means;

b. Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;

c. Well-connected systems of streets, bikeways, pedestrian ways, parks, natural areas, recreation trails;

d. Protection of natural ecological systems and important natural landscape features; and

e. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.

C. A concept plan shall:

1. Show the general locations of any residential, commercial, industrial, institutional and public uses proposed for the area with sufficient detail to allow estimates of the cost of the public systems and facilities described in paragraph 2;

2. For proposed sewer, park and trail, water and stormwater systems and transportation facilities, provide the following:

- a. The general locations of proposed sewer, park and trail, water and stormwater systems;
 - b. The mode, function and general location of any proposed state transportation facilities, arterial facilities, regional transit and trail facilities and freight intermodal facilities;
 - c. The proposed connections of these systems and facilities, if any, to existing systems;
 - d. Preliminary estimates of the costs of the systems and facilities in sufficient detail to determine feasibility and allow cost comparisons with other areas;
 - e. Proposed methods to finance the systems and facilities; and
 - f. Consideration for protection of the capacity, function and safe operation of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.
3. If the area subject to the concept plan calls for designation of land for industrial use, include an assessment of opportunities to create and protect parcels 50 acres or larger and to cluster uses that benefit from proximity to one another;
4. If the area subject to the concept plan calls for designation of land for residential use, the concept plan will describe the goals for meeting the housing needs for the concept planning area in the context of the housing needs of the governing city, the county and the region if data on regional housing needs are available. As part of this statement of objectives, the concept plan shall identify the general number, price and type of market and nonmarket-provided housing. The concept plan shall also identify preliminary strategies, including fee waivers, subsidies, zoning incentives and private and nonprofit partnerships, that will support the likelihood of achieving the outcomes described in subsection B of this section;
5. Show water quality resource areas, flood management areas and habitat conservation areas that will be subject to performance standards under Titles 3 and 13 of this chapter;
6. Be coordinated with the comprehensive plans and land use regulations that apply to nearby lands already within the UGB;
7. Include an agreement between or among the county and the city or cities and service districts that preliminarily identifies which city, cities or districts will likely be the providers of urban services, as defined at ORS 195.065(4), when the area is urbanized;
8. Include an agreement between or among the county and the city or cities that preliminarily identifies the local government responsible for comprehensive planning of the area, and the city or cities that will have authority to annex the area, or portions of it, following addition to the UGB;
9. Provide that an area added to the UGB must be annexed to a city prior to, or

simultaneously with, application of city land use regulations to the area intended to comply with subsection C of section 3.07.1120; and

10. Be coordinated with schools districts, including coordination of demographic assumptions.

D. Concept plans shall guide, but not bind:

1. The designation of 2040 Growth Concept design types by the Metro Council;
2. Conditions in the Metro ordinance that adds the area to the UGB; or
3. Amendments to city or county comprehensive plans or land use regulations following addition of the area to the UGB.

E. If the local governments responsible for completion of a concept plan under this section are unable to reach agreement on a concept plan by the date set under subsection A, then the Metro Council may nonetheless add the area to the UGB if necessary to fulfill its responsibility under ORS 197.299 to ensure the UGB has sufficient capacity to accommodate forecasted growth.

FINDINGS:

The City of Damascus was brought within the Metro UGB in December 2002. The Damascus-Boring Concept Plan was completed in 2006. This section is applicable to concept planning for urban reserves and was not applicable until March 2011, and amended January 2012.

3.07.1120 Planning for Areas Added to the UGB

A. The county or city responsible for comprehensive planning of an area, as specified by the intergovernmental agreement adopted pursuant to 3.07.1110C (7) or the ordinance that added the area to the UGB, shall adopt comprehensive plan provisions and land use regulations for the area to address the requirements of subsection C by the date specified by the ordinance or by or by section 3.07.1455B(4) of this chapter.

B. If the concept plan developed for the area pursuant to Section 3.07.1110 assigns planning responsibility to more than one city or county, the responsible local governments shall provide for concurrent consideration and adoption of proposed comprehensive plan provisions unless the ordinance adding the area to the UGB provides otherwise.

C. Comprehensive plan provisions for the area shall include:

1. Specific plan designation boundaries derived from and generally consistent with the boundaries of design type designations assigned by the Metro Council in the ordinance adding the area to the UGB;

FINDINGS:

See the findings for Title 1 and 3.07.1110 (B)(1), above.

2. Provision for annexation to a city and to any necessary service districts prior to, or simultaneously with, application of city land use regulations intended to comply with this subsection;

FINDINGS:

Annexation of areas not currently within the Sunrise Water District and Water Environment Services will be forthcoming via service provider agreements at the time of Comprehensive Plan adoption. Should an annexation into another service district become necessary, the City will give Metro provision of such annexation, in accordance with this section.

3. Provisions that ensure zoned capacity for the number and types of housing units, if any, specified by the Metro Council pursuant to section 3.07.1455B(2) of this chapter;

See the above findings for Title 1.

4. Provision for affordable housing consistent with Title 7 of the Urban Growth Management Functional Plan if the comprehensive plan authorizes housing in any part of the area;

See the above findings for Title 7.

5. Provision for the amount of land and improvements needed, if any, for public school facilities sufficient to serve the area added to the UGB in coordination with affected school districts. This requirement includes consideration of any school facility plan prepared in accordance with ORS 195.110;

FINDINGS:

The Comprehensive Plan addresses the anticipated demand for schools in the City at plan build-out and gives policy direction for the provision of adequate school facilities to meet demand.

See Comprehensive Plan Chapter 2, Policy 1, *“Capitalize on strengths and opportunities within the community and region to attract future employment.”*

Implementation Strategy: *Coordinate with public schools, community colleges, universities and other educators to provide courses within the City helping to create an educated workforce.*

Additionally, the Plan provides that public facilities, such as schools, will be allowed as conditional uses in all zoning districts. Therefore, the Comprehensive Plan complies with this section.

6. Provision for the amount of land and improvements needed, if any, for public park facilities sufficient to serve the area added to the UGB in coordination with affected park providers;

FINDINGS:

The City identified the amount of land needed for parks and open space for the 20 year planning horizon.

Based on Damascus' population in the year 2035, the park standards indicate that the community will need 450 acres for parks and open space for a community of its size. To achieve the community's need for more local park and recreation opportunities as our community grows, especially neighborhood parks and play fields, the guidelines in Table 4 presents Damascus' development standards for parks.

Table 4: Park standards for 2035 population forecast

| Park Type | Standard | Total Acres | Standard Park Size | Number of Parks |
|-----------------------|----------------------|------------------|--------------------|-----------------|
| Mini Park | No standard | No standard | No standard | No standard |
| Neighborhood Park | 1 acre/1000 | 30 acres | 3 to 5 acres | 6 to 10 |
| Community Park | 3 acres/1000 | 90 acres | 20 to 30 acres | 3 to 5 |
| Natural Area Parks | 10 acres/1000 | 300 acres | No standard | No standard |
| School-Park | No standard | No standard | No standard | No standard |
| Special Use Areas | No standard | No standard | No standard | No standard |
| | | | | |
| Targeted Total | 15 acres/1000 | 450 acres | | |

FINDINGS:

Specific goals, policies, and action measures are identified in the Parks element of the Comprehensive Plan. Improvements will be identified when the City prepares a Parks Master Plan, detailing park facilities and amenities for the City. The Parks Master Plan will be adopted after the Comprehensive Plan is acknowledged. During this process, the appropriate jurisdictional responsibilities will be determined. Options include annexing to the N. Clackamas Parks and Recreation District or adding a Parks Department to the City.

There is currently one unimproved, 14-acre park site owned by the City, at SE Foster and Vogel Road. The City is also working cooperatively with N. Clackamas Parks and Recreation District to improve a 1.39-acre park to develop a neighborhood park, Trillium Creek.

7. A conceptual street plan that identifies internal street connections and connections to adjacent urban areas to improve local access and improve the integrity of the regional street system. For areas that allow residential or mixed-use development, the plan shall meet the standards for street connections in the Regional Transportation Functional Plan;

FINDINGS:

The Comprehensive Plan policies and strategies applicable are specifically:

Transportation Policy 2: “The City’s transportation system should minimize impacts to the natural environment and the design should reflect the community’s rural character while ensuring efficiency.”

Policy 8: “Create transit, pedestrian and bicycle facilities that connect existing and future employment, commercial uses and neighborhoods.”

Policy 14: “Provide flexibility in the transportation infrastructure to accommodate existing land uses aspirations.”

Policy 15: “Minimize the potential for Highway 212 as a barrier to community cohesion while maintaining highway function.”

Implementation Strategy:

“Work with regional and State transportation jurisdictions to coordinate planning, construction, and maintenance activities related to highways and roadways.”

The City has prepared a Transportation System Plan (TSP), adopted as part of the Comprehensive Plan. Specific goals, policies, and action measures for improvement of local access and connections to neighboring jurisdictions, and compliance with the Regional Transportation Plan are detailed in the Transportation System Plan.

Section 4 of the Transportation Plan contains the street network map (Figure 4), functional classifications and street design standards, including cross sections (Figures 5-8).

The Section 17.301 of the Development Code contains the requirements for compliance with the TSP, specifically for access and circulation.

8. Provision for the financing of local and state public facilities and services; and

FINDINGS:

The City has an Integrated Water Capital Plan (IWCP) adopted as part of the Comprehensive Plan. The adopted Comprehensive Plan provides policy direction to the City to prepare the financial plan to fund the projects included in the IWCP. Costs are summarized in Table ES-1 of the IWCP. Section 9 of the IWCP contains the Integrated Capital Improvement Plan (CIP), which includes the finance information for the CIP.

9. A strategy for protection of the capacity and function of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.

FINDINGS:

No state highway interchanges are located within the City of Damascus.

Policy 10 of the Comprehensive Plan states: “Establish efficient and effective freight transportation infrastructure that is developed and maintained to support local and regional economic needs and plans.” This is one facet of addressing capacity and function of state highway interchanges.

The City’s Transportation System Plan, adopted as port of the Comprehensive Plan, has specific goals, policies, and action measures for a strategy for protection of the capacity and function of state highway interchanges. Specifically, Highway 212 is identified as Metro Mobility Corridor 13 between Rock Creek Junction to Highway 26. The City also contains Metro Mobility Corridor 15, Troutdale to Damascus. The City’s TSP contains access management standards, connectivity guidelines and street design standards that may serve to protect regional interchanges.

- D. The county or city responsible for comprehensive planning of an area shall submit a determination of the residential capacity of any area zoned to allow dwelling units, using the method in Section 3.07.120, to Metro within 30 days after adoption of new land use regulations for the area.

FINDINGS:

The City has adopted the following goals and policies which provide the policy direction for housing

Comprehensive Plan Goals and Policies for Goal 10: Housing

Chapter Two, Section One of the Comprehensive Plan addresses housing

Goal: Damascus strives to establish residential areas that are safe, healthful, and attractive places to live, and provides choices and opportunities for people of all income levels and life stages.

Policy 1: Encourage flexibility in building and site design to promote safety, livability, and preservation of natural resources.

Policy 2: Create special development standards to ensure transitions between non-residential activities and residential areas where commercial or employment areas are adjacent to residential zoned land.

Policy 3: Ensure that areas developed or designated for multi-family development be compatible with adjoining land uses following design standards that do not detract from the character of existing residential areas.

Table 6 of the Comprehensive Plan identifies the Plan designations and zones, including planned densities. Legacy Neighborhood reflects existing large lot subdivisions which are not expected to be further divided, but may develop with limited infill. Neighborhood Plan designation includes the following zones: Neighborhood Low (4-8 du/ac) and Neighborhood Medium (8-22 du/ac). Higher density development is allowed in the Neighborhood Commercial (12-15 du/ac), Village (20-20 du/ac), Center (22- 40 du/ac) and Employment (20-22 du/ac) Plan designations and zones. The density in the Employment zone is not used to calculate the average density. The intent to allow housing in the Employment district is to encourage some limited mixed use, but the likelihood of housing being built within that zone is low.

| CITY LIMITS AND UGB | Base Residential (units/acre) | Retail (jobs/acre) | Commercial/Office (jobs/acre) | General Employment (jobs/acre) |
|----------------------------|-------------------------------|--------------------|-------------------------------|--------------------------------|
| Legacy Neighborhood | 1 | 0 | 0 | 0 |
| Neighborhood Low | 6.4 | 0 | 0 | 0 |
| Neighborhood Medium | 18 | 30 | 0 | 0 |
| Neighborhood Commercial | 15 | 30 | 30 | 0 |
| Village | 20 | 30 | 30 | 0 |
| Center | 40 | 30 | 30 | 0 |
| General Employment | 0 | 30 | 30 | 16 |
| General Industrial | 0 | 30 | 0 | 16 |

Buildable Lands Inventory

Following is a summary of the assumptions associated with the densities

assumed in Table 6 of the Comprehensive Plan . In calculating residential land capacity and resulting average net density, jurisdictions in the Portland region typically assume densities somewhere between 80% and 100% of the maximum density since this calculation is intended to demonstrate that the jurisdiction has the “capacity” to achieve required average net densities. For example, in estimating residential capacity and average net densities as part of their housing needs analysis and Comprehensive Plan Housing element (reviewed by DLCD and Metro as consistent with Goal 10 and Metro Title 11 requirements), the City of Tigard generally assumed development at maximum residential densities for lower density residential zones. In higher density zones, where no maximums exist, they typically assumed development at net densities of approximately 40 dwelling units per acre in mixed use and high density residential zones. In the City of Hillsboro’s South Hillsboro Plan, the City generally assumed development at 80% of net densities. In neighborhood and town center areas, this assumed net residential densities between 24 and 40 units per acre. Consistent with these examples, Damascus assumed the following.

- **Legacy Neighborhood.** The Damascus Development Code does not include a minimum or maximum net density for future new development in this zone. Under the Comprehensive Plan, new development will be limited to detached single-family homes on lots similar in size to the existing development in the area.
- **Neighborhood Low Density.** The City’s Development Code establishes a minimum net density of four (4) dwelling units per acre and a maximum net density of eight (8) units per acre. The capacity analysis assumes a base density of 80% of the maximum density, or 6.4 units per net acre.
- **Neighborhood Medium Density.** The City’s Development Code establishes a minimum net density of eight (8) dwelling units per acre and a maximum net density of 22 units per acre. The capacity analysis assumes a base density of 80% of the maximum density, or 18 units per net acre. While this is a relatively high density for a medium density residential zone, it is considered a reasonable estimate for two reasons. First, net available residential land zoned for medium density makes up a relatively low percentage of all net residential land (less than 10%). In addition, land zoned for even higher densities makes up a very small portion of land available for residential development. Residential land in the center, village, and neighborhood commercial zones makes up a combined total of only about 4% of the total residential land supply. As a result, a significant percentage of land in the medium density zone will be needed for multi-family and single-family attached units to enable the City to meet its anticipated 60/40 single family detached to multi-family and single-family attached residential split.
- **Neighborhood Commercial.** The Development Code does not include minimum or maximum density requirements in this zone. Instead, the code provides minimum lot size requirements that could result in maximum net density of about 28 units per acre assuming single-story development. However, development in these zones would be in closer proximity to surrounding low and medium density zones, with an expected combination of single-family attached and smaller scale multi-family residential developments. As a result, a density of 15 units per acre (consistent with rowhouse/townhouse development) is assumed in this zone.

- **Village.** The Development Code does not include minimum or maximum density requirements in this zone. Instead the code provides minimum lot size requirements that could result in maximum net density of about 28 units per acre assuming single-story development. However, the zone also allows for building heights equivalent to 3-4 story buildings in this area. Similar to but more conservative than assumed densities in similar zones in other Metro area jurisdictions, the City assumes a net density of 20 units per acre in this zone.
- **Center.** Similar to the Village zone, the Development Code does not include minimum or maximum density requirements in this zone. Instead the code provides minimum lot size requirements that could result in maximum net density of about 28 units per acre assuming single-story development. However, the zone also allows for building heights equivalent to 4-5 story buildings in this area. Similar to but somewhat more conservative than assumed densities in similar zones in other Metro area jurisdictions, the City assumes a net density of 36 units per acre in this zone.

Table 13. Density from Accessory Dwelling Units and Senior Housing by Zone

| Zone | <i>Base Housing Units</i> | <i>Additional ADUs</i> | <i>Additional Senior Housing Units</i> | <i>Total New Housing Units</i> |
|----------------------------|---------------------------|------------------------|--|--------------------------------|
| <i>Legacy Neighborhood</i> | 310 | 31 | 0 | 31 |
| <i>Neighborhood Low</i> | 15,072 | 1,431 | 1,389 | 2,820 |
| <i>Neighborhood Medium</i> | 4,514 | 225 | 88 | 313 |
| <i>Total</i> | 19,896 | 1,687 | 1,477 | 3,164 |

In addition to a base density provided for each zone, additional dwelling units have been added to the buildable lands inventory in three categories: accessory dwelling units (ADUs), senior housing and transfer of development credits. These densities are not based on the net acreage for the zone, but are calculated as added density and added to the overall density of the zone as described below.

Accessory Dwelling Units (ADUs). Metro provides for cities to allow accessory dwelling units on properties developed with single-family detached homes. The City of Damascus expects that a moderate number of ADUs will be needed and desired to help expand the supply of affordable housing in Damascus and to meet the needs of an increasing percentage of older residents. This may be particularly important given the average age of Damascus residents which is higher than the regional average as documented in the City's Housing Needs Analysis.

The City's buildable lands inventory assumes 10% of single-family attached homes within the Legacy Neighborhood and Neighborhood Low zones will contain an accessory dwelling unit. In the Neighborhood Medium zone, only 5% of lots are assumed to include an ADU. The lower percentage reflects the higher percentage of single-family attached and multi-family units assumed in this zone. These are similar to percentages assumed in other jurisdictions in the Portland Metro region and elsewhere in the Willamette Valley. For example, the City of Keizer recently assumed that ADUs will be constructed on 5% of new and existing

residential lots during their 20-year planning horizon. The estimated number of ADUs have been added back in the density calculations for each zone where single family detached housing is allowed. The number of additional units is calculated based on the number of single-family attached units expected for each zone. Table 13 provides the expected amount of additional units provided by ADUs and senior housing developments.

Senior Housing Developments. The City of Damascus allows senior housing developments to be built in any residential zone except the legacy neighborhood zone, with no limits on residential density. The City expects a modest percentage of land within the low and medium density zones will be developed for this type of housing. As noted previously, the proportion of seniors is projected to continue to increase, with an even larger number of seniors in advanced age groups as the baby boomer generation ages. Senior living and adult residential care facilities in the Portland area are already seeing an increased demand for their facilities and relatively low vacancy rates. With a larger share of aging residents than the County or the region as a whole, Damascus is poised to accommodate a large share of senior housing. The City already has been approached by developers of two different proposed senior housing facilities. The BLI assumes that 2.5% of the supply of residential land in the low and medium density zones will be developed for senior housing facilities, a relatively modest proportion, given the size of this demographic group. Similar to accessory dwelling units, these units have been added back into the density calculation based on the additional number of units that could be constructed, but subtracting the base development from this portion of the land supply to avoid double-counting. The average net density for these developments is assumed to be approximately 30 net units per acre, consistent with the density of similar developments in other parts of the region. This density reflects relatively small-scale developments, consistent with height and other site design requirements in Damascus, rather than the very large-scale complexes that have been built in denser areas of Portland.

The *Damascus Residential Land and Housing Needs Analysis (HNA)* was first drafted in February 2008 by EcoNorthwest. It was updated in January 2013 based on information from Metro's Population Forecast published in September 2012. Consistent with Goal 10, the HNA provides a policy framework based of state and regional requirements and provides an analysis of housing trends, demographic trends, and housing market conditions. The HNA identifies the mix of housing type and density of housing needs in Damascus over the 20-year planning period. The need is based on an estimate of needed dwelling units by income level under two growth scenarios.

In a Continuance Order and Compliance Schedule (Order 11-Cont-Comply-001805), Section 12, subsection (3), the Land Conservation and Development Commission granted the City an overall residential density of 8 dwelling units/net buildable acre for new construction, consistent with OAR 660-007-0035. However, in response to Metro's Title 11 requirements for 10 dwelling units per acre, staff and consultant Matt Hastie, Angelo Planning Group, recalculated and revised the Buildable Lands Inventory through an addendum. That update is included in the BLI and HNA as an addendum memo dated June 27, 2013.

Table 15 below shows the needed housing units by housing mix and density

based on Metro's forecast for population growth.

The forecast assumes a mix of new units to be developed at 60% single-family housing and 40% multifamily housing types (Table 4). Table 5, below, shows the land needed in net and gross acres to accommodate the needed housing. The forecast indicates that Damascus will need about 881 net residential acres or about 1,057 gross residential acres to accommodate new housing between the years 2015-2035.

The forecast results in an average residential density of 9.5 dwelling units per net acre and a base density of 7.3 dwelling units per gross acre. This takes into account the estimated additional dwelling units to be created through the City's Development Code provisions allowing senior housing projects in all zones, without density limitations and accessory dwelling units.

Table 15. Estimated New Jobs, Housing Units, and Residential Density by Zone

| Zone | Jobs | Housing Units | Base Density | Potential Density Available with Transfer, ADUs and Senior Housing |
|-------------------------|---------------|----------------------|---------------------|---|
| Legacy Neighborhood | 0 | 341 | 1 | 1.1 |
| Neighborhood Low | 0 | 20,955 | 6.4 | 9.1 |
| Neighborhood Medium | 79 | 4,866 | 17.6 | 19 |
| Neighborhood Commercial | 948 | 38 | 15 | 18.3 |
| Village | 2,714 | 2,118 | 20 | 22.5 |
| Center | 766 | 324 | 36 | 39.1 |
| General Employment | 4,113 | 0 | 0 | 0 |
| General Industrial | 2,565 | 0 | 0 | 0 |
| Total: | 11,183 | 28,642 | 7.3 | 9.5 |

The needs of the region have been considered to determine a fair allocation of housing types and densities for Damascus. The *Damascus Residential Land and Housing Needs Analysis* indicates that the demographics of Damascus are expected to become more like the demographics of the Portland region over time and the housing needs in the City will change to reflect this. According to the *Analysis*, Damascus will be strongly influenced by regional housing needs over the 20-year planning period, particularly those in Clackamas County. However, the City will continue to occupy a specific niche within the regional housing market based on the location of the City within the region and the income of people living in Damascus.

This information has been considered to determine a fair allocation of housing types and densities in the City as reflected on the *Comprehensive Plan Map*. Clackamas County has worked as the local coordinating body to ensure that cities coordinate their comprehensive plans and land use designations. Clackamas County policies provide for a range of choices in housing types, densities and price and rent ranges throughout the urban areas of the County, including the

provision for the development of housing in mobile home parks, condominiums, planned unit developments and housing for seniors and the handicapped. Additional policies also support affordable housing to produce a range of housing prices and rent ranges commensurate with the range of the County's household incomes.

The Damascus Buildable Lands Inventory, shows the calculation of the amount of suitable, available, and necessary land for residential use for the 20-year planning period. The calculation excludes lands constrained by natural resources and natural hazards, lands committed to existing development or other uses and lands needed for public and semi-public facilities. The buildable lands inventory includes a determination of land need estimates (the land needed for employment and housing over the 20-year planning period) and a land capacity analysis used to demonstrate the city has sufficient land to meet these estimates. The land need estimates in this report were established using the Metro forecast of housing and employment accepted by the City Council in November 2012. This forecast covers the 20-year planning period from 2015 to 2035 and is the basis for the Housing Needs Analysis (HNA) and Economic Opportunities Analysis (EOA) completed by ECONorthwest.

Table 4. Estimated Needed Future Distribution of Housing Units

| <i>Housing Type</i> | <i>Percentage by Type</i> |
|--|---------------------------|
| Single family detached units | 59% |
| Manufactured homes in parks | 1% |
| Total Single family detached | 60% |
| Single family attached units | 10% |
| Multi-family units | 30% |
| Total multifamily and Single family attached | 40% |

Table 5. Estimated Needed Future Net Residential Land, ECONW

| <i>Housing Type</i> | <i>Needed Acres</i> |
|-----------------------------|---------------------|
| Single family detached | 849 |
| Manufactured homes in parks | 14 |
| Single family attached | 28 |
| Multi-family | 166 |
| Total All Housing Types | 1,057 |

Table 18. Summary of Buildable Lands Inventory (Areas shown in Acres

| Zoning | Area inside the City limit and UGB | Areas constrained by natural features and hazards | Existing development and area used for public and semi-public uses | Total area excluded including overlap | Land remaining after all excluded areas are removed | Land needed for public facilities | Net land available for development |
|--------|------------------------------------|---|--|---------------------------------------|---|-----------------------------------|------------------------------------|
| | | | | | | | |

| | | | | | | | |
|-------------------------|-------|-------|-------|-------|-------|-------|-------|
| General Industrial | 233 | 17 | 25 | 41 | 192 | 38 | 154 |
| General Employment | 367 | 22 | 112 | 129 | 238 | 48 | 190 |
| Center | 143 | 14 | 78 | 86 | 57 | 17 | 40 |
| Village | 626 | 153 | 114 | 251 | 375 | 124 | 251 |
| Neighborhood Commercial | 71 | 3 | 19 | 21 | 50 | 15 | 35 |
| Neighborhood Medium | 520 | 48 | 65 | 111 | 409 | 147 | 262 |
| Neighborhood Low | 6,364 | 1,821 | 1,404 | 2,950 | 3,414 | 1,127 | 2,287 |
| Legacy Neighborhood | 1,458 | 153 | 988 | 1,082 | 376 | 94 | 282 |
| Totals | 9,782 | 2,231 | 2,805 | 4,671 | 5,111 | 1,610 | 3,501 |

Sufficient land has been designated on the *Comprehensive Plan Map* to satisfy the housing needs by type and density range for each of the two housing needs projections, including high and low growth scenarios and the Metropolitan Housing Rule. The *Comprehensive Plan* includes residential and mixed-use designations that each allows residential uses. The land use designations that allow residential uses on the *Comprehensive Plan Map* include the following: Legacy Neighborhood, Neighborhood, Village, and Center.

The Development Code and Zoning Map implement the land use designations in the Comprehensive Plan, thus demonstrating the City is meeting Goal 10. The zones identified on the Zoning Map and regulated by the Development Code are: Legacy Neighborhood, Neighborhood Low, Neighborhood Medium, Neighborhood Commercial, Village, and Center. The summary provided in Table 18 of the Buildable Lands Inventory finds that the Zoning Ordinance provides sufficient land to meet the housing needs projected in the Housing Needs Analysis. The HNA shows that 1,057 acres are needed for future net residential land; the BLI demonstrates that the zoning map and development code is providing 3,501 acres of net land for residential development. The Integrated Water Capital Plan (IWCP) and the Transportation Systems plan provide the planning for water, wastewater, stormwater and transportation for the 20-year planning period to support the land uses on the Comprehensive Plan Map and zoning designations on the Zoning Map. The IWCP and Transportation provide for the appropriate type, location and phasing of public facilities to support housing development.

The Comprehensive Plan and Map are consistent with Goal 10, Housing. The City has prepared an Economic Opportunity Analysis in 2008 and updated it in 2013, which is incorporated by reference into the Comprehensive Plan. The HNA, BLI, along with the housing related goals, policies, and implementation measures listed below identify and provide policy direction for housing in the City of Damascus over the 20 year planning period. Because the City has adopted all implementing regulations related to Housing, it therefore complies with Goal 10, OAR 660-15-0000(10) and all regional, state and federal plans.

This analysis demonstrates a capacity to achieve a net residential density of 9.5 acres based on provisions in the City's Comprehensive Plan and Development Code, its Housing Needs Analysis and a reasonable set of assumptions about

future densities and development types. This finding is in substantial compliance with the Title 11 requirement for Damascus to demonstrate the capacity to achieve an average net density of 10 net units per acre. The Damascus estimate represents 95% of Metro's target. Metro defines "substantial compliance" as "city and county comprehensive plans and implementing ordinances, on the whole, conform with the purposes of the standards in the Functional Plan and any failure to meet individual performance standard requirements is technical or minor in nature."

The City of Damascus finds that achieving a net density that is within 5% of Metro's performance target represents a failure that is "minor in nature." In addition, the City finds that a finding of substantial compliance in this instance also would be similar to Metro's recent finding of substantial compliance for the South Hillsboro Community Plan area. In that case, the City of Hillsboro made a finding of substantial compliance by achieving 93% of Metro's residential housing units target for that area. In that case, Metro acknowledged the South Hillsboro Plan as being in substantial compliance with the Functional Plan.

Appendices:

The following City documents guide and implement policies regarding housing the community: Damascus Housing Needs Analysis, Damascus Buildable Lands Inventory, , Damascus Development Code (Chapter 18) and Zoning Map

3.07.1130 Interim Protection of Areas Added to the UGB

Until land use regulations that comply with Metro Code Section 3.07.1120 become applicable to the area, the city or county responsible for planning the area added to the UGB shall not adopt or approve:

- A. A land use regulation or zoning map amendment that allows higher residential density in the area than allowed by regulations in effect at the time of addition of the area to the UGB;
- B. A land use regulation or zoning map amendment that allows commercial or industrial uses not allowed under regulations in effect at the time of addition of the area to the UGB;
- C. A land division or partition that would result in creation of a lot or parcel less than 20 acres in size, except for public facilities and services as defined in Metro Code Section 3.01.010, or for a new public school;
- D. In an area designated by the Metro Council in the ordinance adding the area to the UGB as Regionally Significant Industrial Area:
 - 1. A commercial use that is not accessory to industrial uses in the area; and
 - 2. A school, a church, a park or any other institutional or community service use

intended to serve people who do not work or reside in the area.

3.07.1140 Applicability

Section 3.07.1110 becomes applicable on December 31, 2011.

FINDINGS:

The above sections are not applicable to the adopted Comprehensive Plan. At the time any area outside the UGB is added to the City, compliance with this section will be required.

TITLE 12: PROTECTION OF RESIDENTIAL NEIGHBORHOODS

3.07.1210 Purpose and Intent

Existing neighborhoods are essential to the success of the 2040 Growth Concept. The intent of Title 12 of the Urban Growth Management Functional Plan is to protect the region's residential neighborhoods. The purpose of Title 12 is to help implement the policy of the Regional Framework Plan to protect existing residential neighborhoods from air and water pollution, noise and crime and to provide adequate levels of public services.

3.07.1220 Residential Density

Metro shall not require any city or county to authorize an increase in the residential density of a single-family neighborhood in an area mapped solely as an Inner or Outer Neighborhood pursuant to Metro Code Section 3.07.130 prior to May 22, 2002.

FINDINGS:

Comprehensive Plan Map and Zoning Map designate and zone existing residential neighborhoods in the City as Legacy Neighborhood (LN). The Legacy Neighborhood Comprehensive Plan designation and zoning maintains the existing lot and development pattern with some limited in-fill opportunity. The Development Code Section 17.201.020 establishes the land uses and building types permitted in the LN zone. These are the residential uses currently permitted with some additional opportunities for accessory dwelling units and home based businesses. DMC Section 17.201.030 contains the development standards for the LN zoning which maintains the current development pattern by only allowing now lots that at 105% of the median size lot of the contiguous Legacy Neighborhood (LN) zone.

3.07.1230 Access to Commercial Services

A. In order to reduce air pollution and traffic congestion, and to make commercial retail services more accessible to residents of Inner and Outer Neighborhoods, a city or county may designate in its comprehensive plan and land use regulations one or more Neighborhood Centers within or in close proximity to Inner and Outer Neighborhoods to serve as a convenient location of commercial services.

FINDINGS:

The Comprehensive Plan map and zoning map include mixed use designations (Center, Village, Employment) and Neighborhood Commercial areas in several nodes within the City. These areas will develop with commercial retail services that will be more accessible to residents of the established Legacy Neighborhoods and other established and new neighborhoods in the City.

B. To ensure that commercial development serves the needs of the residents of Inner and Outer Neighborhoods but does not generate excessive traffic, noise or air pollution, a city or county that designates a Neighborhood Center shall adopt limitations on the scale of commercial services in Neighborhood Centers. In a Neighborhood Center, a city or county shall not approve:

1. A commercial retail use with more than 20,000 square feet of gross leasable area in a single building; or
2. Office commercial uses with more than 10,000 square feet of gross leasable area in a single building or on a single lot or parcel.

FINDINGS:

DMC Section 17.202.020A Allowed Land Uses in Building Types in Mixed Use Zones, has a limitation on the maximum ground floor area of 10,000 square feet in the Neighborhood Commercial Zone.

3.07.1240 Access to Parks and Schools

A. Each city and county shall, within two years following adoption by the Metro Council of a process and criteria for such standards, establish a level of service standard for parks and greenspaces that calls for a park facility within a specified distance of all residences.

FINDINGS:

The Comprehensive Plan Chapter 2, Section 3 Public Parks and Open Space establishes level of service standards for parks and green spaces based on both population and service area standards.

B. To make parks and greenspaces more accessible to residents of Inner and Outer Neighborhoods and all residents of the region, each city and county shall provide for access to parks and greenspaces by walking, biking and transit, where transit is available or planned.

FINDINGS

The Comprehensive Plan includes policies that direct the development of a Parks Master Plan (Chapter 2, Section 3 Public Parks and Open Space Policy 6). The Parks Master Plan will address accessibility to all new parks and greenspaces by walking, biking and transit.

The Comprehensive Plan Chapter 2, Section 3 Park and Open Space, Policy 2, states that the parks and open spaces should be integrated into neighborhoods so they are safe, convenient, and accessible. Policy 4 in the same chapter states that the City will provide a network of on-road pathways linking parks, open spaces, neighborhoods, and commercial areas as land divisions occur and areas develop. These policies will be used to develop the Parks Master Plan.

C. To make parks and schools more accessible to neighborhood residents, to reduce traffic, and to use land more efficiently, cities, counties, park providers and school districts shall, where appropriate, provide for shared use of school facilities for park purposes and of park facilities for school purposes.

FINDINGS:

Comprehensive Plan Chapter 2, Section 3, Park and Open Space Policy 3 states

that the City will encourage partnering with other agencies, including schools, organizations, and community groups to leverage funds and sharing of facilities for parks and open spaces. Comprehensive Plan Chapter 3, Section 1, Infrastructure Policy 5, says the City will encourage school districts, public and private institutions, Clackamas County, and the City to work together to co-locate facilities and programs to be multi-functional neighborhood anchors, designed and programmed to serve community members of all ages and abilities.

D. To make public schools more accessible to neighborhood residents, cities, counties and school districts shall prioritize school sites that are near concentrations of population and are connected to those concentrations by safe and convenient walking, biking and, where transit is available or planned, transit facilities.

FINDINGS:

DMC Section 17.201.020A allows schools in all residential zones as a conditional use. The Comprehensive Plan Chapter 3, Section 1 Infrastructure, Policy 6 says the City will encourage school districts and the City work together to co-locate facilities and programs to be multi-functional neighborhood anchors, designed and programmed to serve community member of all ages and abilities.

The City worked with the five schools districts serving Damascus to coordinate future planning for school sites.

TITLE 13: NATURE IN NEIGHBORHOODS

3.07.1310 Intent

The purposes of this program are to (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region. This program:

- A. Will achieve its purpose through conservation, protection, and appropriate restoration of riparian and upland fish and wildlife habitat through time, using a comprehensive approach that includes voluntary, incentive-based, educational, and regulatory elements;
- B. Balances and integrates goals of protecting and enhancing fish and wildlife habitat, building livable Region 2040 communities, supporting a strong economy, controlling and preventing water pollution for the protection of the public health and safety, and complying with federal laws including the Clean Water Act and the Endangered Species Act;
- C. Includes provisions to monitor and evaluate program performance over time to determine whether the program is achieving the program's objectives and targets, to determine whether cities and counties are in substantial compliance with this title, and to provide sufficient information to determine whether to amend or adjust the program in the future; and
- D. Establishes minimum requirements and is not intended to repeal or replace existing requirements of city and county comprehensive plans and implementing ordinances to the extent those requirements already meet the minimum requirements of this title, nor is it intended to prohibit cities and counties from adopting and enforcing fish and wildlife habitat protection and restoration programs that exceed the requirements of this title.

3.07.1320 Inventory and Habitat Conservation Areas

The purpose of this section is to describe the geographic information system (GIS) data and maps that form the basis of Metro's fish and wildlife habitat protection and restoration program. This data and maps are referenced in various ways in this title, but may or may not be relevant within a city or county depending upon which implementation alternative the city or county chooses pursuant to Metro Code Section 3.07.1330(B). The maps referred to in this title are representations of data contained within Metro's GIS system, operated by the Metro Data Resource Center, and references to such maps shall be interpreted as references to the maps themselves and to the underlying GIS data that the maps represent.

- A. The Regionally Significant Fish and Wildlife Habitat Inventory Map (hereinafter the "Inventory Map"), attached hereto 4, identifies the areas that have been determined to contain regionally significant fish and wildlife habitat. The Inventory Map divides habitat into two general

categories, riparian and upland wildlife, and further differentiates each habitat category into low, medium, and high value habitats.

B. The Habitat Conservation Areas Map, attached hereto⁵, identifies the areas that are subject to the performance standards and best management practices described in Metro Code Section 3.07.1340, to the extent that a city or county chooses to comply with Metro Code Section 3.07.1330 by using the Habitat Conservation Areas map, or a map that substantially complies with the Habitat Conservation Areas map. For such cities and counties, the Habitat Conservation Areas Map further identifies, subject to the map verification process described in Metro Code Sections 3.07.1330(G) and 3.07.1340(D), which areas will be subject to high, moderate, and low levels of habitat conservation based on Metro Council's consideration of the results of the economic, social, environmental, and energy (ESEE) consequences of protecting or not protecting the habitat, public input, and technical review, and the Metro Council's subsequent decision to balance conflicting uses in habitat areas.

1. Table 3.07-13a describes how (1) Class I and II riparian habitat areas, and (2) Class A and B upland wildlife habitat areas within publicly-owned parks and open spaces, except for parks and open spaces where the acquiring agency clearly identified that it was

acquiring the property to develop it for active recreational uses, located within the Metro boundary on December 28, 2005, were designated as high, moderate, and low Habitat Conservation Areas.

2. Table 3.07-13b describes how Class I and II riparian habitat areas and Class A and B upland wildlife areas brought within the Metro UGB after December 28, 2005, will be designated as high, moderate, and low Habitat Conservation Areas. Metro Code Section 3.07.1360 describes the procedures for how Table 3.07-13b and Metro Code Section 3.07.1340 shall be applied in such areas.

C. Exempt International Marine Terminals

1. Marine dependent properties which would otherwise have been mapped as Habitat Conservation Areas do not appear on the Habitat Conservation Areas Map because the Metro Council concluded, based on its analysis of the economic, social, environmental, and energy implications of its decision, that the economic importance of such properties far outweighed the environmental importance of the properties as fish and wildlife habitat. The Metro Council applied the criteria described in subsection (C)(2) of this section to conclude that the following properties should not be considered Habitat Conservation Areas:

a. The International Terminal property, located at 12005 N. Burgard Way, Portland, Oregon, 97203;

b. Port of Portland Marine Terminal 4;

c. Port of Portland Marine Terminal 5; and

d. Port of Portland Marine Terminal 6.

2. The Metro Council may, at its discretion, consider and adopt ordinances to exempt from the provisions of this title any additional properties along the Willamette and Columbia Rivers, or portions of such properties, where it can be demonstrated that:
 - a. The property is currently developed for use as an international marine terminal capable of mooring ocean-going tankers or cargo ships; and
 - b. The property is substantially without vegetative cover.

3.07.1330 Implementation Alternatives for Cities and Counties

A. Under Oregon law, upon acknowledgment of this program by the Oregon Land Conservation and Development Commission (LCDC), cities and counties wholly or partly within the Metro boundary shall apply the requirements of this title with respect to areas identified as riparian habitat on the Inventory Map and areas identified as upland wildlife habitat on the Inventory Map, according to the compliance deadlines established in Metro Code Section 3.07.810, rather than applying the requirements of division 23 of chapter 660 of the Oregon Administrative Rules ("OAR"), promulgated by LCDC, except that:

2. A city or county shall apply the requirements of division 23 of OAR chapter 660 in order to adopt comprehensive plan amendments or land use regulations that (i) would otherwise require compliance with division 23 of OAR chapter 660 but for the adoption of this title (i.e., amendments or regulations adopted to protect Goal 5 resources), and (ii) will limit development in areas not identified as riparian habitat on the Inventory Map, unless such provisions (a) are part of a program intended to comply with Metro Code Section 3.07.1330(B)(3) and apply only to areas identified as upland wildlife habitat on the Inventory Map (i.e., they do not apply to areas not identified as habitat); or (b) apply to areas identified as Class A or B upland wildlife habitat on the Inventory Map that are brought within the UGB after December 28, 2005. Such a city or county shall seek acknowledgement of such provisions from LCDC or treat such provisions as post-acknowledgement plan amendments under ORS chapter 197;
3. A city or county that, prior to December 28, 2005, adopted any comprehensive plan amendments or land use regulations that (a) apply to areas identified as upland wildlife habitat on the Inventory Map but not identified as riparian habitat on the Inventory Map, (b) limit development in order to protect fish or wildlife habitat, and (c) were adopted in compliance with division 23 of OAR chapter 660, shall not repeal such amendments or regulations, nor shall it amend such provisions in a manner that would allow any more than a de minimis increase in the amount of development that could occur in areas identified as upland wildlife habitat; and
4. After a city or county has demonstrated that it is in substantial compliance with the requirements of this title, if the city or county wishes to adopt comprehensive

plan amendments or land use regulations applicable to areas identified as riparian habitat on the Inventory Map that have the effect of imposing greater limits on development than those imposed by provisions that are in substantial compliance with the requirements of this title, such a city or county shall comply with the provisions of division 23 of OAR chapter 660, and shall seek acknowledgement of such provisions from LCDC or treat such provisions as post-acknowledgement plan amendments under ORS chapter 197.

FINDINGS:

The comprehensive plan and implementing ordinances are consistent with Goal 5 and its implementing administrative rules, as is established by the above findings for Goal 5. The following findings establish substantial compliance with Title 13.

B. Each city and county in the region shall either:

1. Amend its comprehensive plan and implementing ordinances to adopt the Title 13 Model Ordinance and the Metro Habitat Conservation Areas Map, and demonstrate compliance with the provisions of (a) Metro Code Section 3.07.1340(A)(5), related to enhanced fish and wildlife protection and management of publicly-owned parks and open spaces that have been designated as natural areas and are not intended for future urban development, and (b) Metro Code Section 3.07.1340(A)(8), related to the restoration of Habitat Conservation Areas when developed property is undergoing significant redevelopment;
2. Demonstrate that its existing or amended comprehensive plan and existing, amended, or new implementing ordinances substantially comply with the performance standards and best management practices described in Metro Code Section 3.07.1340, and that maps that it has adopted and uses substantially comply with the Metro Habitat Conservation Areas Map;
3. Demonstrate that it has implemented a program based on alternative approaches that will achieve protection and enhancement of Class I and II riparian habitat areas, and of Class A and B upland wildlife habitat areas in territory added to the Metro UGB after December 28, 2005, substantially comparable with the protection and restoration that would result from the application of a program that complied with Metro Code Sections 3.07.1330(B)(1) or (B)(2). A city or county developing such a program:

FINDINGS:

Damascus has elected to adopt the Metro model code and Habitat Conservation Area map. The City has adopted protections to natural features such as protecting riparian areas and habitat conservation areas and establishing incentives for establishment and maintenance of open space areas. These regulations are found in Chapter 17.309 of the DMC entitled Natural Resources. The City substantially complies with Metro Title 3 and 13.

a. Shall demonstrate that its alternative program will provide a certainty of habitat protection and enhancement to achieve its intended results, such as by using proven programs and demonstrating stable and continuing funding sources sufficient to support elements of the program that require funding;

b. May assert substantial compliance with this provision by relying on either or both the city's or county's comprehensive plan and implementing ordinances and on the use of incentive based, voluntary, education, acquisition, and restoration programs, such as:

- i. An existing tree protection ordinance;
- ii. A voluntary program for tree protection, tree replacement, and habitat restoration;
- iii. Habitat preservation incentive programs, such as programs that provide reduced development or storm water management fees and property taxes in return for taking measures to protect and restore habitat (including, for example, the Wildlife Habitat Special Tax Assessment Program, ORS 308A.400 through 308A.430, and the Riparian Habitat Tax Exemption Program, ORS 308A.350 through 308A.383);
- iv. Habitat-friendly development standards to reduce the detrimental impact of storm water run-off on riparian habitat;
- v. A local habitat acquisition program; and
- vi. Maintaining and enhancing publicly-owned habitat areas, such as by:

(A) Using habitat-friendly best management practices, such as integrated pest management programs, in all regionally significant habitat areas within publicly-owned parks and open spaces;

(B) Ensuring that publicly-owned parks and open spaces that have been designated as natural areas and are not intended for future urban development are managed to maintain and enhance the quality of fish and wildlife habitat that they provide; and

(C) Pursuing funding to support local park, open space, and habitat acquisition and restoration, such as with local bond measures, System Development Charge (SDC) programs, Federal Emergency Management Act (FEMA) grants, or other funding mechanisms.

FINDINGS:

The Comprehensive Plan and implementing regulations provide examples of each of these elements, which collectively demonstrate substantial compliance.

- **The City has an existing tree protection ordinance, the Urban Forestry Code, which prohibits the clear cutting of trees on all property in the City. As such, it protects the upland tree groves, both of higher and lower quality habitat, found throughout the City.**
- **The Natural Resources chapter contains various incentives for tree protection. This local habitat acquisition program allows the City to pool such funds received from property owners that have property with fewer high value resources, in order to purchase and preserve as open space and potentially restore, larger tracts of resource area in the community.**
- **The requirements for open space dedication result in the open space amenities for all subdivisions created on parcels larger than 4 acres. Such open space may remain in public ownership, but is required to be preserved and maintained in a manner consistent with open space use, by a recorded encumbrance. Such habitat friendly development practices ensure protection and enhancement of open space and habitat conservation areas.**

4. District Plans.

a. Adopt one or more district plans that apply over portions of the city or county, and demonstrate that, for the remainder of its jurisdiction, the city or county has a program that complies with either Metro Code Section 3.07.1330(B)(1) or Metro Code Section 3.07.1330(B)(2). If a city or county adopts one or more district plans pursuant to this paragraph, it shall demonstrate that, within each district plan area, the district plan complies with Metro Code Section 3.07.1330(B)(3). District plans shall be permitted under this subsection only for areas within a common watershed, or which are within areas in adjoining watersheds that share an interrelated economic infrastructure and development pattern. Cities and counties that choose to develop district plans are encouraged to coordinate such district plans with other entities whose activities impact the same watershed to which the district plan applies, including other cities and counties, special districts, state and federal agencies, watershed councils, and other governmental and non-governmental agencies. b. The City of Portland shall develop a District Plan that complies with Metro Code Section 3.07.1330(B)(4)(a), in cooperation with the Port of Portland, that applies to West Hayden Island; or

5. For a city or county that is a member of the Tualatin Basin Natural Resources Coordinating Committee (the "TBNRCC," which includes Washington County and the cities of Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, Sherwood, Tigard, and Tualatin), amend its comprehensive plan and implementing ordinances to comply with the maps and provisions of the TBNRCC Goal 5 Program, attached hereto6

a. Within the compliance timeline described in Paragraph 6 of the Intergovernmental Agreement entered into between Metro and the TBNRCC, the and incorporated herein by reference, adopted by the TBNRCC on April 4, 2005 (the "Tualatin Basin Program"), subject to the intergovernmental agreement entered into between Metro and the TBNRCC. All other provisions of this Metro Code Section 3.07.1330, as well as Metro Code Section 3.07.1360, shall still apply to each city and county that is a member of the TBNRCC. In addition, in order for

a city or county that is a member of the TBNRCC to be in compliance with this functional plan, the following conditions must be satisfied:

- i. TBNRCC and its members comply with the six steps identified in section B of Chapter 7 of the Tualatin Basin Program;
- ii. Clean Water Services approves and begins implementing its Healthy Streams Plan;
- iii. The TBNRCC members agree to renew and extend their partnership to implement the projects on the Healthy Streams Project List and target projects that protect and restore Class I and II Riparian Habitat, including habitat that extends beyond the Clean Water Services "vegetated corridors," and the TBNRCC shall continue to coordinate its activities with Metro and cooperate with Metro on the development of regional public information about the Nature in Neighborhoods Initiative;
- iv. The city or county has adopted provisions to facilitate and encourage the use of habitat-friendly development practices, where technically feasible and appropriate, in all areas identified as Class I and II riparian habitat areas on the Metro Regionally Significant Fish and Wildlife Habitat Inventory Map. Table 3.07-13c provides examples of the types of habitat-friendly development practices that shall be encouraged and considered;
- iv. The city or county has adopted provisions to allow for the reduction of the density and capacity requirements of Title 1 of the Urban Growth Management Functional Plan, Metro Code Sections 3.07.110 to 170, consistent with Metro Code Section 3.07.1330(H). Particularly, the provisions shall (1) apply only to properties that were within the Metro urban growth boundary on January 1, 2002; (2) require the protection of regionally significant habitat on the property, such as via a public dedication or restrictive covenant; and (3) allow only for a reduction in the minimum number of units required to be built based on the amount of area protected as provided in part (2) of this paragraph. In addition, cities and counties will be required to report to Metro as provided in Metro Code Section 3.07.1330(H)(3);
- v. The city or county complies with the provisions of Metro Code Section 3.07.1330(B)(1) to (B)(3) as those provisions apply to upland wildlife habitat in territory added to the Metro urban growth boundary after December 28, 2005. For example, (1) each city and county shall either adopt and apply Metro's Title 13 Model Ordinance to upland wildlife habitat in new urban areas, (2) substantially comply with the requirements of Metro Code Section 3.07.1340 as it applies to upland wildlife habitat in new urban areas, or (3) demonstrate that it has implemented an alternative program that will achieve protection and enhancement of upland wildlife habitat in new urban areas comparable with the protection and restoration that would result from one of the two previous approaches described in this sentence; and
- vi. The TBNRCC and the city or county complies with the monitoring and reporting requirements of Metro Code Section 3.07.1360.

C. The comprehensive plan and implementing ordinances relied upon by a city or county to comply with this title shall contain clear and objective standards. A standard shall be considered clear and objective if it meets any one of the following criteria:

- i. It is a fixed numerical standard, such as fixed distance (e.g. "50 feet") or land area (e.g. "1 acre");
- ii. It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or
- iii. It is a performance standard that describes the outcome to be achieved, specifies the objective criteria to be used in evaluating outcome or performance, and provides a process for application of the performance standard, such as a conditional use or design review process.

FINDINGS:

The Natural Resources code establishes nondiscretionary, numerical standards, consistent with this section. The riparian buffers and open space requirements, which represent the main thrust of the protection regulations are respectively based on independent delineation and protection of certain distances from delineated streams, and a percentage open space dedication threshold that is variable based on use.

D. In addition to complying with subsection (C) of this section, the comprehensive plan and implementing ordinances that a city or county relies upon to satisfy the requirements of this title may include an alternative, discretionary approval process that is not clear and objective provided that the comprehensive plan and implementing ordinance provisions of such a process:

1. Specify that property owners have the choice of proceeding under either the clear and objective approval process, which each city or county must have pursuant to subsection (C) of this section, or under the alternative, discretionary approval process; and
2. Require a level of protection for, or enhancement of, the fish and wildlife habitat that meets or exceeds the level of protection or enhancement that would be achieved by following the clear and objective standards described in subsection (C) of this section. E. Use of Habitat-Friendly Development Practices In Regionally Significant Fish And Wildlife Habitat.
 - a. Each city and county in the region shall:
 - i. Identify provisions in the city's or county's comprehensive plan and implementing ordinances that prohibit or limit the use of the habitat-friendly development practices such as those described in Table 3.0713c; and
 - ii. Adopt amendments to the city's or county's comprehensive plan and implementing ordinances to remove the barriers identified pursuant to subsection (E)(1)(a) of this section, and shall remove such barriers so that such practices may be used, where practicable, in all regionally significant fish and wildlife habitat; provided, however that such practices shall not be permitted if their use is prohibited by an applicable and required State or Federal permit issued to a unit of local government having jurisdiction in the area, such as a permit required under the Clean Water Act, 33 U.S.C. §§1251 et seq., or the Safe Drinking Water Act, 42 U.S.C. §§300f et seq., and including conditions or plans required by such permit.

FINDINGS:

Consistent with this section, the alternative to the clear and objective standards is for an applicant to pursue an amendment, adjustment, or variance to the objective standard in question.

3. Metro shall provide technical assistance to cities and counties to comply with the provisions of this subsection E of this section.

F. Cities and counties shall hold at least one public hearing prior to adopting comprehensive plan amendments, implementing ordinances, and maps implementing this title or demonstrating that existing city or county comprehensive plans, implementing ordinances, and maps substantially comply with this title. The proposed comprehensive plan amendments, implementing ordinances, and maps shall be available for public review at least 45 days prior to the public hearing.

G. The comprehensive plan provisions and implementing ordinances that each city or county amends, adopts, or relies on to comply with this title shall provide property owners with a reasonable, timely, and equitable process to verify the specific location of habitat areas subject to the provisions of the city's or county's comprehensive plan and implementing ordinances. It is the intent of this requirement that, in the majority of cases, the process be as simple and straightforward as possible and not result in a change that would require an amendment to the city's or county's comprehensive plan. Such process shall:

1. Allow a property owner, or another person with the property owner's consent, to confirm the location of habitat on a lot or parcel at any time, whether or not the property owner has submitted a specific request for a development permit, provided, however, that a city or county may impose a fee to cover the actual staff, equipment and other administrative costs of providing such a service;
2. As often as reasonably possible, provide a simple, default approach that allows a property owner to verify the location of habitat on a lot or parcel without having to hire an environmental consultant and without having to pay a significant processing or application fee;
3. Allow a property owner to present detailed documentation to verify the location of habitat on a lot or parcel, such as information collected and analyzed by an environmental consultant; and
4. Ensure that the process provides adequate opportunities for appeals and a fair and equitable dispute resolution process, consistent with state law.

FINDINGS:

Section 17.309.090 establishes the process for verifying Habitat Conservation Areas.. Based on the scope of the requested amendment, different levels of review are required. In each case, the property owner is afforded a process for

presentation of documentation to the City that the map is incorrect. Pursuant to state law and the review requirements of the DMC, the requisite notice and hearing will be applicable to comprehensive plan amendments. Therefore, these sections are satisfied.

H. Reducing Regional Density and Capacity Requirements to Allow Habitat Protection.

1. Notwithstanding the provisions of Metro Code Section 3.07.140(A)(2), cities and counties may approve a subdivision or development application that will result in a density below the minimum density for the zoning district if:

- a. The property lot or parcel was within the Metro UGB on January 1, 2002;
- b. An area of the property lot or parcel to be developed has been identified as regionally significant fish and wildlife habitat on the Metro Inventory Map or as a significant resource on a local Goal 5 riparian, wetlands, or wildlife resource inventory map that had been acknowledged by the LCDC prior to December 28, 2005; and
- c. Such a decision will directly result in the protection of the remaining undeveloped regionally significant fish and wildlife habitat or significant resource located on the property lot or parcel, such as via a public dedication or a restrictive covenant.

2. The amount of reduction in the minimum density requirement that may be approved under this subsection (H) of this section shall be calculated by subtracting the number of square feet of regionally significant fish and wildlife habitat or significant resource that is permanently protected under subsection (H)(1)(c) of this section from the total number of square feet that the city or county otherwise would use to calculate the minimum density requirement for the property.

3. If a city or county approves a subdivision or development application that will result in a density below the minimum density for the zoning district pursuant to subsection (H)(1) of this section, then such city or county shall:

- a. Be permitted an offset against the capacity specified for that city or county in Table 3.07-1 of the Metro Code. The amount of such offset shall be calculated by subtracting the difference between the number of dwelling units that the city or county approved to be built pursuant to subsection (H)(1) of this section and the minimum number of dwelling units that would have otherwise been required to be built on the property pursuant to the applicable minimum density requirements for the zoning district where the property is located; and
- b. Report to Metro by April 15 of every year the number of approvals made pursuant to this subsection H of this section, including documentation that the factors in subsection (H)(1) had been satisfied for each such approval, and the capacity offsets that the city or county shall be afforded as a result of such approvals.

FINDINGS:

These provisions are applicable to actual approvals of subdivisions, and not adoption of the plan and code.

3.07.1340 Performance Standards and Best Management Practices for Habitat Conservation Areas

FINDINGS:

The City has adopted the Metro model ordinance for Title 13 and Habitat Conservation Map, and Title 3 standards. Collectively, the prior findings establish that the natural resource protections adopted by the City are comparable those of 3.07.1340.

3.07.1350 Claims Pursuant to ORS 197.352 (Ballot Measure 37)

FINDINGS:

Adoption of the plan and code by the City does not impact the rights of the any Measure 37 or 49 claimants. This section is not applicable.

**Exhibit M to Ordinance No. 02-969B
Conditions on Addition of Land to UGB**

I. General Conditions Applicable to All Land Added to UGB

A. The city or county with land use planning responsibility for a study area included in the UGB shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan ("UGMFP"), section 3.07.1120 ("Title 11 planning") for the area. Unless otherwise stated in specific conditions below, the city or county shall complete Title 11 planning within two years. Specific conditions below identify the city or county responsible for each study area.

FINDINGS:

The City has completed the required planning for the City of Damascus and its planning area in the Comprehensive Plan (and supporting documents) and Development Ordinance (Development Code and Zoning Map) . See the findings above for planning required by Metro Code Title 11 of the UGMFP.

B. The city or county with land use planning responsibility for a study area included in the UGB, as specified below, shall apply the 2040 Growth Concept design types shown on Exhibit N of this ordinance to the planning required by Title 11 for the study area.

FINDINGS:

The City has completed the required planning for the City of Damascus and its planning area in the Comprehensive Plan (and supporting documents) and Development Ordinance (Development Code and Zoning Map). The City applied the 2040 Growth Concept design types in the development of the Comprehensive Plan and Development Code. See the findings earlier in this document for planning required by Metro Code Title 11 of the UGMFP.

C. The city or county with land use planning responsibility for a study area included in the UGB shall apply interim protection standards in Metro Code Title 11, UGMFP, section 3.07.1110, to the study area.

FINDINGS:

The interim protection standards of Metro Code Title 11 are addressed in the findings for Title 11 located in this document. The City adopted, per Ordinance 2005-01, Clackamas County's Comprehensive Plan, Zoning and Development Ordinances in 2005 until the City had an acknowledged Comprehensive Plan and development code. Clackamas County's Zoning and Development Code addresses the interim protection standards.

D. In Title 11 planning, each city or county with land use planning responsibility for a study area included in the UGB shall recommend appropriate long-range boundaries for consideration by the Council in future expansion of the UGB or designation of urban reserves pursuant to 660 Oregon Administrative Rules Division 21.

FINDINGS:

The lands within the City of Damascus and within the study area in the UGB have a more than adequate supply of land to support the Metro Population Forecast published in 2012 and the land needed based on the Housing Needs Analysis and Economic Opportunities Analysis for the 20-year planning period. Because there is enough land in city limits to support projected growth beyond 20 years, the City of Damascus is not recommending long-range boundary expansions for consideration by the Metro Council in this comprehensive planning process.

E. Each city or county with land use planning responsibility for a study area included in the UGB shall adopt provisions in its comprehensive plan and zoning regulations – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery - to ensure compatibility between urban uses in an included study area and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.

FINDINGS:

The Comprehensive Plan Map shows the following land use designations adjacent to lands outside the UGB: Neighborhood Low and Employment. The Development Code, Sections 17.201.030A Residential Development Standards, and 17.203.030 General Employment/Industrial Setback Yards and Buffers, establishes setbacks for each respective land use designation. The Employment Zone has a ten foot front and street yard setback and the industrial zone has a twenty-five foot setback, both of which are adequate to accommodate slow moving farm machinery. The residential zones have a 5-20 foot setback (Table 17.201.030A) but also in the Development Code (Section 17.201.040), when a property is developed with a subdivision or multi-family development, the property owner can dedicate 15% as open space and/or parks or pay a parks SDC. This open space can be used to buffer the residential development from farm use and provide the area needed the movement of slow-moving farm machinery.

F. Each city or county with land use planning responsibility for a study area included in the UGB shall apply Title 4 of the UGMFP to those portions of the study area designated Regionally Significant Industrial Area (“RSIA”), Industrial Area or Employment Area on the 2040 Growth Concept Map (Exhibit N). If the Council places a specific condition on a RSIA below, the city or county shall apply the more restrictive condition.

FINDINGS:

Title 4 of the UGMFP has been applied to the areas of the City identified as RISA, Industrial Area and Employment Areas. See Title 4 findings contained in this document for compliance with Title 4.

G. In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to Title 11 planning, each city and county with land use planning responsibility for a study area included in the UGB shall comply with those provisions of Title 3 of the UGMFP acknowledged by the Land Conservation and Development Commission (“LCDC”) to comply with Goal 5. If LCDC has not acknowledged those provisions of Title 3 intended to comply with Goal 5 by the deadline for completion of Title 11 planning, the city or county shall consider any inventory of regionally significant Goal 5 resources adopted by resolution of the Metro Council in the city or county’s application of Goal 5 to its Title 11 planning.

FINDINGS:

The Comprehensive Plan and Implementing Ordinance (Development Code and Zoning Map) comply with Metro Title 3 requirements. The Title 3 findings are contained in this document. LCDC has stated that compliance with Title 3 satisfies the Goal 5 requirements for riparian protection, but the City does not have Goal 5 acknowledged by LCDC at this time. The City has an adopted Natural Features Inventory and Natural Features map. The Natural Features Inventory contains the inventory of Goal 5 resources that are regionally significant and is in substantial compliance with Metro’s Title 3 Model Ordinance and Title 3 Water Quality Map.

H. Each city and county with land use planning responsibility for a study area included in the UGB shall provide, in the conceptual transportation plan required by Title 11, subsection 3.07.1120F, for bicycle and pedestrian access to and within school sites from surrounding area designated to allow residential use.

FINDINGS:

The Comprehensive Plan and Development Code are consistent with Metro Code Title 11 subsection 3.07.1120F. Compliance is addressed in the findings for Title 11 located in this document.

II. Specific Conditions for Particular Areas

A. Study Areas 6 (partial), 10 (partial), 11, 12, 13, 14, 15, 16, 17, 18 and 19 (partial)

1. Clackamas and Multnomah Counties and Metro shall complete Title 11 planning for the portions of these study areas in the Gresham and Damascus areas as shown on Exhibit N within four years following the effective date of this ordinance. The counties shall invite the participation of the cities of Gresham and Happy Valley and all special districts currently providing or likely to provide an urban service to territory in the area. If a portion of the area incorporates or annexes to the City of Happy Valley or the City of Gresham prior to adoption by Clackamas and Multnomah Counties of the comprehensive plan provisions and land use regulations required by Title 11, the Metro Council shall coordinate Title 11 planning activities among the counties and the new city pursuant to ORS 195.025.

FINDINGS:

When Damascus incorporated in 2004, the City took over the responsibility Title 11 planning. Damascus did not complete Title 11 planning for the Damascus planning area within four years of the effective date of this ordinance.

2. In the planning required by Title 11, subsections A and F of section 3.07.1120, Clackamas and Multnomah Counties shall provide for annexation to the TriMet district of those portions of the study areas whose planned capacity for jobs or housing is sufficient to support transit.

FINDINGS:

The Comprehensive Plan policies address transit in Damascus for the 20-year planning period. Comprehensive Plan Chapter 3, Section 2 Transportation Policies state:

Policy 5: Provide transportation options, including transit, for the City's transit dependent population, seniors, and physically-challenged residents.

Policy 8: Create transit, pedestrian and bicycle facilities that connect existing and future employment, commercial uses, and neighborhoods.

The City of Damascus will shall provide for public transit by TriMet or another transit provider when the jobs and housing densities in the urban areas of the city are sufficient to support transit.

3. In the planning required by Title 11, Clackamas County shall ensure, through phasing or staging urbanization of the study areas and the timing of extension of urban services to the areas, that the Town Center of Damascus, as shown on the 2040 Growth Concept Map (Exhibit N) or comprehensive plan maps amended pursuant to Title 1 of the UGMFP, section 3.07.130, becomes the commercial services center of Study Areas 10 and 11 and appropriate portions of Study Areas 12, 13, 14, 17 and 19. Appropriate portions of these study areas shall be considered intended for governance by a new City of Damascus. The Damascus Town Center shall include the majority of these areas' commercial retail services and

commercial office space. Title 11 planning for these areas shall ensure that the timing of urbanization of the remainder of these areas contributes to the success of the town center.

FINDINGS:

Compliance for this section is addressed in the findings for Title 6, located in this document. The Comprehensive Plan Map and Zoning Map designated/zone a “Center” in the area shown as Town Center on the 2040 Metro Concept Map. The “Center” zone is the commercial and civic core of the community. It has opportunities for mixed-use development with a variety of commercial and offices uses and high density housing. The Development Code Section 17.202 contains the development standards for the “Center” zone. The Comprehensive Plan, mainly the Integrated Water Capital Plan, show the “Center” in the drainage basin that is planned to have urban services to allow urban level development in the 20-year planning period.

4. In the planning required by Title 11, Clackamas and Multnomah Counties shall provide for separation between the Damascus Town Center and other town centers and neighborhoods centers designated in Title 11 planning or other measures in order to preserve the emerging and intended identities of the centers using, to the extent practicable, the natural features of the landscape features in the study areas.

FINDINGS:

Per the Comprehensive Plan Map and the Zoning Map, the Damascus “Center,” consistent with the Town Center area shown on the 2040 Metro Concept Map, is separated from other town centers and neighborhood centers by residential and employment areas and the natural features (buttes) in the community.

5. If, prior to completion by Clackamas County of Title 11 planning for the Damascus Area, the county and Metro have determined through amendment to the 2000 Regional Transportation Plan to build the proposed Sunrise Corridor, the county shall provide for the preservation of the proposed rights-of-way for the highway as part of the conceptual transportation plan required by subsection G of section 3.07.1120 of Title 11.

FINDINGS:

The Sunrise Projects end near the western City limits of Damascus at the Highway 212/242 Rock Creek Junction. A small portion of the Rock Creek Junction IAMP is located in the Damascus city limits (most is on the north and west side of the highways in Happy Valley). The Damascus Comprehensive Plan does not affect the preservation of the right-of-way for the project.

6. Neither Multnomah County nor, upon annexation of the area to the City of Gresham, the city shall allow the division of a lot or parcel in an area designated RSIA to create a smaller lot or parcel except as part of the lot/parcel reconfiguration plan required in Condition 7.

FINDINGS:

Not Applicable

7. Multnomah County or, upon annexation of the area to the City of Gresham, the city, as part of Title 11 planning, shall, in conjunction with property owners and affected local governments, develop a lot/parcel reconfiguration plan for land designated RSIA that results in the largest practicable number of parcels 50 acres or larger.

FINDINGS:

Not Applicable